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**RACES AT WAR: NATIONALISM AND GENOCIDE IN
TWENTIETH CENTURY EUROPE**

by

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March 2005

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ABSTRACT

Europe in the twentieth century witnessed the large-scale displacement and mass murder of civilian populations because of their ethnic or national identity. Genocide is the ultimate expression of this form of integral nationalism. As a result of the Second World War, the term “genocide” was introduced to describe the victimization of nations, and became codified in international law and agreements. The end of the century saw the introduction of a new term: “ethnic cleansing”. This term was used to signify something less than the total physical annihilation of a people in the Balkans wars, in contrast to the extermination campaign of the Nazis in World War Two, or the Turks following World War One. This work looks at both campaigns, the Nazis against the Jews and the Serbs against the Bosnians, to argue, however, that ethnic cleansing is genocide. While much of the debate of the 1990s focuses on body counts to justify the distinction between the two, a careful analysis of the original work on genocide and the UN Agreement which outlaws such phenomenon reveal that this “body count” notion is neither correct nor justifiable. Similarly, a look at these two cases reveals act of genocide developed gradually, rather than as part of pre-existing master plans.

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	ON GENOCIDE AND NATIONALISM	7
A.	ON GENOCIDE	7
1.	What is Genocide?.....	7
2.	The United Nations	9
3.	The Hague Regulations	11
4.	Genocide Versus Ethnic Cleansing	12
B.	ON NATIONALISM.....	14
C.	NAZI GERMANY.....	19
III.	THE NAZI HOLOCAUST.....	25
A.	EUGENICS AND EUTHANASIA.....	25
B.	THE EXPULSION POLICIES	39
C.	KILLING THE JEWS	43
IV.	THE BALKAN WARS, 1991-1995	49
A.	THE ORIGINS OF MODERN NATIONALISM IN THE BALKANS	49
B.	NATIONALISM IN THE BALKANS	51
C.	GENOCIDE IN THE BALKANS	54
V.	CONCLUSION.....	63
A.	THE ORIGINS OF GENOCIDE	63
B.	THE ACTS OF GENOCIDE	68
C.	GENOCIDE AND INTERNATIONAL LAW	70
	BIBLIOGRAPHY	73
	INITIAL DISTRIBUTION LIST	75

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I. INTRODUCTION

The single greatest human tragedy and atrocity in modern history has been the Holocaust, the genocide of the Jews and Gypsies of Europe during World War Two. Libraries have been filled about this event, seeking to answer the question: Why? Why did the Germans, with assembly-line precision by 1943, gas thousands of Jews every day in the death camps? Sadly, there is no one definitive answer to the question.

While the Holocaust marked the low point of the twentieth century, the peaceful collapse of the Berlin Wall in 1989 and the end of European Communism in the early years of the 1990's marked the high point. Millions of Europeans were liberated from oppression with extremely little bloodshed. Europe stood on the brink of a new era. After forty-five years of living with the results of the Second World War, namely, a Europe divided, the Continent could begin to put the horrors of that great human tragedy behind.

Yet within two years, Europe once again witnessed concentration camps and genocide. This time it was in the Balkans. For the most part, the victims were the Bosnian Muslims (although Croats and even Serbs suffered, too) and the scene was in the Former Republic of Yugoslavia. Once again, the world asked: Why? Why would a country that was enlightened by the standards of Eastern Europe, a country that was multiethnic in character reopen the horrors of genocide? Why would Yugoslavia, the one Communist country that defeated the Nazis without the Soviet Army, the country that had lived through the ethnic atrocities of Croats against Serbs against Bosnians in the 1940's; why did genocide reappear?

This work will examine the question "How does nationalism become genocidal?" Of particular note is the emphasis in this research question on *How*, rather than *Why*. The question of *How* lets us look at the acts that led up to eventual genocide, while the question of *Why* would necessary have to consider

psychological aspects of the participants, both individually and as groups. While this question of *Why* is without a doubt even more important, attempts at an answer are approached via the *How*.

Even the question for this work of how nationalism becomes genocidal is far too broad. More specifically, the real question addressed by this work is: How did nationalism become genocidal in twentieth century Europe? To consider this more narrowly defined question, this work will look at two cases in twentieth-century Europe. The first is the genocide of the Jews and Gypsies by the Nazis during World War Two. The second is the genocide of the Bosnians by the Serbs in the 1990s.

This work will approach the question via the historical discipline, rather than a political science. To answer the question from the perspective of political science would require the identification and isolation of variables to attempt to determine exactly what combination under which circumstances would produce genocide. It is my belief that such an endeavor is an oversimplification of the events of their times. While it is possible, it is unlikely that the events and conditions prior to the Second World War will repeat themselves in such a clear way that future political scientists, or politicians, can point to emerging events and say “Look! Conditions X, Y, and Z are just like 1936!”

The two case studies in this work, the Holocaust and the Bosnian genocide, are certainly not the only genocides of the twentieth century, nor even the only genocides of Europe in the twentieth century. Leading works on the

subject identify more than six cases throughout the century.¹ The cases were selected because of certain of their unique aspects. The Holocaust was selected for two reasons. First, it was the most devastating case of genocide in the modern world, accounting for at least six million victims. Furthermore, it elevated mass murder to a systematic assembly-line process in a way that was not present in any other cases. The case of the Bosnians was also selected for two reasons. Principally, it was selected because the global environment of the time was one of emerging peace. Unlike the other incidence of the twentieth century in Europe, the crisis of the Former Republic of Yugoslavia did not occur against a backdrop of a larger European conflict²; rather, by the 1990s the growing influence of the European Union³ and relatively bloodless and peaceful transition of the rest of the former Communist countries stood in marked contrast to the bloodshed of Bosnia. Secondly, this case was selected because it was the first (hopefully last) case since the end of World War Two. While Yugoslavia did not suffer the full impact of the Holocaust, it did suffer substantial ethnic violence during the War. Forty-five years is a short time, only two generations.

The second chapter will discuss the two elements of interest in this work: genocide and nationalism. It will examine in greater detail exactly what genocide is, and why ethnic cleansing is genocide. It will also look at the international agreements that specifically address genocide, and those that more generally

¹ Norman Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth Century Europe*, (Cambridge: Harvard University Press, 2001) identifies the following five cases of “ethnic cleansing”: The Armenians and Greeks in 1915 by the Turks, the Jews and Gypsies in the Holocaust, the Chechens and the Tatars by the Soviets in 1944, the Germans by the Poles and Czechs at the end of WWII, and the Former Republic of Yugoslavia in the 1990s. Naimark uses the term “ethnic cleansing” rather than genocide, a distinction which will be addressed in a subsequent section of this work. However, there are distinct differences amongst the cases in his work; the expulsion of the Germans from Poland and Czechoslovakia, for example, never involved the systematic murder of the victim population that the Holocaust, the Armenian genocide, or the Bosnian crisis involved, although hundreds of thousands of expelled Germans died of disease and starvation. Additionally, even the Armenian case is not universally accepted as a case of genocide.

² Each of the other cases discussed by Naimark were in proximity to larger world wars. Although the expulsion of the Germans was technically after the end of WWII, it was unquestionably tied to the war.

³ The Treaty OF Maastricht, signed in 1991, marked a major shift in Europe from being an Economic Community to a more sovereign Union.

address the laws and customs of war with regard to acts that are genocidal. Finally, the second chapter will also consider the unique nationalism of central and eastern Europe that contributed to genocide in the two wars examined here. In both Germany and the Balkans, the nation existed before the modern states of Germany and Serbia, and it was this pre-existing national identity that created the states.

After examining genocide and nationalism in Chapter II, Chapter III will turn to the specific case of the Nazi genocide of the Jews during the Holocaust. The Nazi campaign of racial restructuring of Europe did not begin with the mass extermination of the Jews fully planned and prepared. Rather, the extermination of the Jews came about only after earlier attempts to induce the Jews to voluntarily emigrate from the Reich. During the Polish invasion, Jews were executed in large numbers, but the primary goal was to force them to flee, or relocate them if necessary. Finally the invasion of the Soviet Union saw the specific targeting of the Jews for mass murder, and at brought to light some practical difficulties that the regime was forced to overcome before it could fully implement its campaign of mass extermination of Jews throughout the entire Reich and occupied territories (the “Final Solution”). Concurrently the Nazi ideology of racial purity was orchestrating the murder of large numbers of Germans within Germany in the euthanasia program. The third chapter examines this operation in further detail because it led to the methodology of the extermination camps of the east, and because in its later stages Jews were murdered using the T4 killing centers solely because of their Jewishness, making them among the first of the millions to be systematically murdered for their Jewish identity.

Chapter IV turns to the 1990s Balkans crisis, and examines the genocide of the Bosniacs (Bosnian Muslims) by the Serbs in Bosnia. The Serbs’ campaign of genocide employed the widespread use of terror to induce the Bosniacs to flee. Among the methods of terror used by the Serbs was the systematic use of rape as a weapon of genocide. In addition to murder, torture, and incarceration,

rape was used to both drive off the Bosniacs, and as a form of punishment for their existence.

Finally, Chapter V draws conclusions from the two cases of the Holocaust and Bosnia. Like the Nazis, the Serbs had a campaign of racial restructuring, only on a smaller scale, contributing to the argument that ethnic cleansing is not separate from genocide. Both cases had their origins in long-standing nationalist hatreds. However, this hatred did not manifest itself as violence and ultimately genocide until the introduction of difficult economic and political stresses. These stresses led to the rise of extremist leaders in both cases.. The willing participation of thousands, with the tacit acceptance by thousands more, also suggests that the populations themselves bear a substantial share of the blame for the crimes of genocide. Finally, the crime of genocide is being clarified in international law, as the International Criminal Tribunal for the Former Yugoslavia (ICTY) continues to try war criminals from the Balkans wars. Having introduced genocide and nationalism, this work now examines them in much greater detail in Chapter I.

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II. ON GENOCIDE AND NATIONALISM

A. ON GENOCIDE

1. What is Genocide?

At first glance, the term “genocide” would seem to be a simply, albeit ghastly, word: the killing off of a whole people. However, this murderous aspect is only one part of the overall meaning and origin of “genocide”. The word was first coined in 1944 by Raphael Lemkin in his work *Axis Rule in Occupied Europe: Laws of Occupation – Analysis of Government – Proposals for Redress*.

Lemkin defined genocide as “the destruction of a nation or of an ethnic group.”⁴ He derived the word from the Greek *genos*, meaning race or tribe, and the Latin *-cide*, meaning killing). However, Lemkin meant far more than just the killing of people, although it certainly entailed killing. Genocide, in its original meaning by its creator, meant to “signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups with the aim of annihilating the groups themselves.”⁵

Of significant interest, and relevance, is the recognition that, although Lemkin coined the term “genocide” in 1944 as a response against the Nazi practices of World War Two, he addressed the international dangers of systematic destruction of a nation years prior. In 1933, at the Fifth Conference

⁴ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation – Analysis of Government – Proposals for Redress*, (Washington, D.C.: Carnegie Endowment for International Peace, 1944) , p. 79. It is worth noting that the Nazi genocide of the Jews and Gypsies was a part of a larger plan of Hitler's for the complete racial restructuring of Europe. See, for example, Norman Rich, *Hitler's War Aims: The Establishment of the New Order* (New York: W. W. Norton & Co., 1974) and Daniel Jonah Goldhagen, *Hitler's Willing Executioners*, (New York: Alfred Knopf, 1996). At the top of Hitler's social order was, of course, the Aryan race in a central leadership role, followed by related western European and Nordic races in the upper and middle classes. Far below them was the eastern European Slavs and Poles, fit for labor. Jews, Gypsies, and Negros were considered “anti-race” and were ultimately fit only for expulsion or extermination in the New Order. After conquering Poland the Nazis began to actually reorder the races by moving ethnically pure Germans back to the Reich, relocating Poles out of the areas lost by Germany after World War One, and ghettoizing the Jews to the east.

⁵ Lemkin, *Axis Rule*, p. 79.

for the Unification of Penal Law in Madrid, Lemkin presented a report entitled “Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations.” At this Conference, Lemkin proposed that “acts of barbarity” and “acts of vandalism” be introduced into the list of offences against the law of nations. In his 1944 *Axis Rule*, he specifies that these two 1933 “Acts” were “the actual conception of genocide.”⁶ Lemkin describes “acts of barbarity” as

first and foremost, acts of extermination directed against the ethnic, religious, or social collectivities whatever the motive (political, religious, etc.); for example massacres, pogroms, actions undertaken to ruin the economic existence of the members of a collectivity, etc. Also belonging in this category are all sorts of brutalities which attack the dignity of the individual in cases where these acts of humiliation have their source in a campaign of extermination directed against the collectivity in which the victim is a member.⁷

Lemkin argues that each of the individual acts is punishable as individual crimes under local legal codes; the act of barbarity is the collective sum of these individual offenses into a campaign that threatens the law of nations. In addition to these acts of barbarity against the collectivity, Lemkin adds “acts of vandalism”, which “take the form of systematic and organized destruction of the art and cultural heritage in which the unique genius and achievement of a collectivity are revealed in fields of science, art and literature.”⁸

Taken together, these two acts (barbarity and vandalism) aim to destroy not only the physical individuals of the collectivity; but also the entire social, cultural, political, and economic basis of the collectivity of a particular group. Lemkin proposed that these two acts be introduced onto the list of the 1927 Warsaw (1st) Conference of the Unification of Penal Law principle of universal

⁶ Lemkin, *Axis Rule*, p. 91.

⁷ Raphael Lemkin, “Acts Constituting a General (Transnational) Danger Considered as Offenses Against the Law of Nations” presented at the 5th Annual Conference for the Unification of Penal Law in Madrid, October 1933, p. 5. www.preventgenocide.org/lemkin/madrid1933-english.htm. February, 2005

⁸ Lemkin, “Acts” p. 6.

repression, meaning that the perpetrator of a crime on the list may be prosecuted in the country where he is apprehended, without regard to the country in which the crime was committed or to the nationality of the perpetrator.⁹ An astute observer will notice that Lemkin's proposal is based upon the intent of the perpetrator, rather than the act. He readily admits in his work that the individual actions are punishable under local laws, and it is only when "these acts...have their source in a campaign of extermination directed against the collectivity in which the victim is a member." Furthermore, in addressing the act of vandalism, Lemkin defines the crime as the "systematic and organized destruction", which would suggest the legal exclusion of spontaneous actions or riots against a particular group. In any event, Lemkin's proposals at this 5th Conference were not adopted, but it is highly significant in the study of genocide that such topics were being seriously addressed in international legal forums in 1933, well before the atrocities of the Second World War were committed, and even longer before they were known. A serious international treaty against genocide did not become formalized until 1948.

2. The United Nations

In 1946, UN General Assembly Resolution 96 (I) affirmed "that genocide is a crime under international law which the civilized world condemns..."¹⁰ Under this UN resolution, "genocide is the denial of the right of existence of entire

⁹ The crimes on the original list of universal repression at the 1927 Warsaw Conference were piracy; counterfeiting of coins, banknotes, and securities; trade in slaves; trade in women or children; intentional use of any instrument capable of producing public danger; trade in narcotics; and traffic in obscene publications. Interestingly enough in 1930 the 3rd Conference added "[terrorism]" (including the brackets) to the offense of intentional use of any instrument capable of producing public danger. In 1933 Lemkin then expands upon this "public danger" into "general (transnational) danger" by arguing that the law of nations is threatened when "general (transnational) danger threatens the interests of several States and their inhabitants. Lemkin places the word "transnational" into parentheses in his writing himself. He then takes this notion of a general danger to introduce his proposal to add acts of barbarity and vandalism onto the Conference list of crimes worthy of universal repression, also proposing to add the crimes of provocation of catastrophes in international communications; intentional interruption of international communications; and propagation of human, animal, or vegetable contagions.

¹⁰ UNGA Resolution 96 (I), 11 December 1946.

human groups..."¹¹ This resolution then calls for the Economic and Social Council to "undertake the necessary studies, with a view to drawing up a draft Convention on the crime of genocide..."¹² This draft Convention authorized in 1946 manifested as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (UN General Assembly Resolution 260 (III) A, 9 December 1948). The Convention was ratified by the end of 1950, with entry into force on 12 January 1951.

The 1948 Convention expands upon the 1946 declaration of genocide as a crime. First, it specifies in Article I that genocide is a crime under international law, *whether committed in time of peace or in time of war*. Second, it greatly expands the definition of genocide as follows in Article II:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the groups;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

On first glance, this "definition" of genocide appears to address the immediate physical destruction of the group. However, a closer study of the concept of genocide as presented in this Convention reveals that it is much broader than immediate physical aspects.

The Convention specifies genocide as being "any of the ...acts", not "all", "most", or even "some". Second, it specifies genocide as being "with the *intent* to

¹¹ UNGA Resolution 96 (I), 11 December 1946.

¹² UNGA Resolution 96 (I), 11 December 1946.

destroy, in whole or *in part*” a group. This means the genocide does not have been successful, nor does it have to include the entirety of the group, just a part of the group do to their being members of that group (i.e.: they are being targeted because of their membership in the collectivity, not because of their individual identity). The third broad aspect is item (b), specifying genocide causes “serious...mental harm” to members. Thus an act does not have to be a physical threat to the group to be genocidal. Actions undertaken to damage the economic, social, or political existence of the group can be argued to cause “serious mental harm.” Nor does the Convention require non-lethal acts to be in any way long-term or permanent to be considered genocidal. Thus we can see that the UN Convention lines up with Lemkin’s original concept of genocide in 1944, in which genocide is far more than mass killings, although that is certainly one aspect of its manifestation in twentieth-century Europe.

However, although “genocide” was not internationally outlawed until after the Second World War (1946), Lemkin correctly points out that certain international laws under the Hague Regulations outlawed many of the individual acts of genocide carried out in wartime.

3. The Hague Regulations

The Hague Regulations governing the conduct of war on land, adopted in 1907, were the governing body of laws of war before and during World War Two.¹³ These regulations do not in any way address the internal conduct of states. However, genocide is not about war between armies and states; it is war of against a people. As such, the acts prohibited by Hague against civilian non-combatants de facto cover those individual acts that make up a campaign of genocide.

Section III of 1907 Hague Regulations (Military Authority Over the Territory of the Hostile State, Articles 42-56) addresses the authority, responsibilities, and

¹³ The full title is Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, The Hague, 18 October 1907.

limitations of an occupying military force. Article 43 states that the occupier shall restore and ensure public order and safety “while respecting, unless absolutely prevented, the laws in force in the country.”

Article 46 states “[f]amily honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.”

Article 48 states that “[if]...the occupant collects taxes...he shall do so, as far as possible, in accordance with the rules of assessment...in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.”

Article 52 states the occupier “can only take possession of cash, funds, and realizable securities which are strictly the property of the state.”

Article 56 states that “institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction or will damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.”

4. Genocide Versus Ethnic Cleansing

In recent years the crisis in Europe has been “ethnic cleansing” rather than genocide, sparked by the Balkans crisis of the 1990’s. The question is whether ethnic cleansing is the same as genocide under a different name, or if ethnic cleansing is something different. In his work on the subject, Norman Naimark argues that they are different, writing that the “new term was needed because ethnic cleansing and genocide are two different activities, and the differences between them are important.”¹⁴

¹⁴ Naimark, p. 3.

This author disagrees with Naimark's assertion, and believes that ethnic cleansing is one and the same. However, the author believes that the use of this synonym is not due to the desire to substitute a euphemism simply in order to put a less ugly face onto modern events. Rather, it is due to a misunderstanding of what genocide is.

Returning to Naimark, he writes that:

[g]enocide is the intentional killing off of part or all of an ethnic, religious, or national group; the murder of a people or peoples...is the objective. The intention of ethnic cleansing is to remove a people and often all traces of them from a concrete territory. The goal, in other words, is to get rid of the "alien" nationality, ethnic, or religious group and seize control of the territory they had formerly inhabited.¹⁵

Yet it is precisely this "definition" of genocide that Lemkin argued *against* in 1944 (and 1933). Naimark says that genocide is the "killing off of all or part" of a group. Yet when we re-look Lemkin's definition it is "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups with the aim of annihilating the groups themselves." He further writes that "[g]enerally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation... [it is] disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belongs to such groups."¹⁶

One could certainly argue that Lemkin's idea of "annihilating the groups themselves" is the same as killing, while ethnic cleansing is simply the relocating of the groups without killing them. In practice, however, there is no distinction.

¹⁵ Naimark, p. 3.

¹⁶ Lemkin, *Axis Rule*, p. 79.

By uprooting a people and relocating them from their homeland, the aggressor is in fact attempting to destroy “the essential foundations of the life of a national group.”

Even if we can accept that Lemkin really meant just the physical killing of the group as being genocide, we can still compare “ethnic cleansing” to the definition of genocide in the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide as evidence they are on and the same. Recall that under the UN Convention, one of the acts of genocide is the causing of serious mental harm to members of the group. One can hardly argue that the forced relocation of an entire ethnic population does not cause “serious mental harm” to the members of the group. (Try to imagine being forced out of your own house at gunpoint, and not suffering “serious mental harm”.)

B. ON NATIONALISM

The discussion on genocide brings to light the second aspect of this thesis, that of nationalism. Since genocide involves the destruction of a group, either through outright killing or by other means, one can recognize that genocide is a form of warfare. It is not, however, warfare focused on states, which is what the various Hague and Geneva Conventions attempt to regulate. It is a war by one people against another people, based upon the national identity of the peoples; hence nationalism.

The two cases in this work, Nazi Germany and the Balkans, were the product of a particular type of nationalism; that of the cultural nation (Kulturnation); that is, the nation created the state. This type of nationalism was specific to Central and Eastern Europe, in contrast to western European (and the United States’ western European roots) verfassungsnazion, or constitutional nation. In this latter form, the constitutional state (or legal state, even if it does not have a constitution, *per se*) exists before the “nation” of the people. While the constitutional nationalism of western Europe can be dated in the seventeenth and eighteenth centuries, the cultural nationalism of Central and Eastern Europe

dates from the mid-nineteenth century, and continues in its development through the interwar years to the Second World War.

The idea of Kulturkaltung is from Johann Gottlieb Herder. His original work sought to link national identity to language in Central and Eastern Europe. However, his concept of Kulturkaltung went beyond simply the language. The second, and more significant, element of Herder's Kulturkaltung was folklore. Herder believed that the folklore of a people was its common glue that held the people together and created its national identity. In those central and eastern parts of Europe, where the majority of the population was illiterate and uneducated, the folklore of the people was its informal teaching system. The folklore "taught" or carried forward, the history, customs, and traditions of the nation: "All unpolished people sing and trade...the songs are the archives of the people, the treasury of their science and religion, their theogony and cosmology, the deeds of their fathers and the events of their history."¹⁷ Herder's identification of the language and folklore of the people was intended to identify already-existing common peoples, not to create new common identities: "For Herder, a people's identity lay in its folklore, its ancient customs, the historical archives by which it might be studied and identified. Herder's anthropological approach was aimed not at forming the identities of peoples, but at recognizing them..."¹⁸ This quote about Herder is from Wolff. By contrast, an opposing viewpoint of Herder is found in Berend: "Johann Gottlieb Herder, irritated by the absence of a united German state during the eighteenth century, pioneered a German national ideology. He sought to create a spiritual Germany, united in its language and literature, which were, for him, the main expressions of a 'national character.'"¹⁹ This viewpoint suggests that Herder's work was for the purpose of creating a unified German identity, in direct conflict with Wolff's view that Herder desired only to identify nations, not create them. It is surprising that Herder's

¹⁷ Larry Wolff, *Inventing Eastern Europe* (Stanford: Stanford University Press, 1994), p. 310.

¹⁸ Wolff, p. 311.

¹⁹ Ivan T. Berend, *Decades of Crisis*, (Berkley: University of California Press, 1998), p. 54.

ideas have such significant impact on Central and Eastern European nationalism, yet Berend only makes this one reference to Herder, and in that one reference portrays Herder as a German nationalist. It is this author's personal opinion, considering Herder in Berend, Schultze, and Wolff that Berend's portrayal of Herder is wrong, although his emphasis of language and literature as "national character" are the correct elements of Herder's theory.

Schulze also discusses Herder and his ideas. In Schultze, Herder is seen much more in the viewpoint of Wolff as an observer and political philosopher rather than the German nationalist portrayed in Berend. Here, Herder's soul of the nation as its language and literature is of greater importance than any existing state institutions that are imposed over the nation, because an individual's mother tongue is his for his entire life. In other words, a man's state can be changed, his nation, through his language, cannot. "Every human being was fated to be a member of his nation and bound to it throughout his life through his mother-tongue. Herder's view, that states and constitutions mattered less than culture and language, reflected the continuing disparity between states and peoples that obtained in Central and Eastern Europe."²⁰

In contrast to Herder's theory that the nation already exists within the culture and language of the people, Rousseau's view of the Central and Eastern European nations was that is could, and should, be created. Facing conquest and domination by Russia, Rousseau advocated that "Poland" must be created within the Poles to preserve it as a nation, "to establish the Republic in the heart of the Poles ... the unique asylum where force can neither reach nor destroy it...If you make it so that a Pole can never become a Russian, I answer you that Russia will never subjugate Poland."²¹

These ideas that the nation existed within the people are what led to the early twentieth-century nationalism of Central and Eastern Europe. Prior to the

²⁰ Schultze, p. 157.

²¹ Wolff, p. 239.

First World War, the majority of the region was under one or another multinational empire: Russian, Ottoman, or Austro-Hungarian. In the late nineteenth century, beginning in its modern forms around the 1870s and 1880s, national independence movements were emerging. Following the war these national aspirations were achieved to some limited extent, but not all nations won states, and few, if any, states encompassed “their” entire nation. Europe saw the creation of Yugoslavia, Czechoslovakia, Poland (again), a separate Hungary, and an Austria that wanted to be German.

While in the West the state existed first and then created the nation through institutions and society, in the East it was ideas of the nation and a national identity that created the state. But in Eastern Europe, because the state was created out of the ashes of the Great War, the coincidence of timing and the relative backwardness of the region caused nation-states to develop in a reactive “other way” in response to the threat from the advanced capitalist West. This response led in some ways to the disaster of the interwar rise of fascism and totalitarianism in the east, and the Second World War. However, these forms did not come about the same way in Eastern Europe and Central Europe.

Romania makes an excellent illustration of Kulturnation in Eastern Europe. I use this brief example to underscore the point that this cultural nationalism leading to fascism was not a unique experience of either Italy or Germany, but was pervasive throughout the entire region. Similarly, this Romanian counterpoint also illustrates that the Yugoslavia in the 1990s was not just a case of “they’re always been like that”. Yugoslavia was a similar product of the nineteenth and twentieth century cultural nationalism of Eastern Europe. Romania in this sense is a decent example to illustrate how ideas, institutions and society interacted.

Like elsewhere in the region, nationalism in Romania sought to merge a national identity with a new state, just emerging from the umbrella of imperial dominance. Compared to Western Europe, the East was backwards and grossly underdeveloped; it lacked modernity. Nationalism is an identity of “us” in

comparison to, or opposition to, an outside “them”, and for the newly created states of Eastern Europe the “them” was the advanced, modern capitalist states of Western Europe. Romania and other new states were faced with throwing off the system of the old regimes and coming into the modern world, and needed to find its own way to do so.

When looking towards the west as the “other”, the east searched for an alternative to western capitalism, and at the same time an alternative to the backwardness of existing conditions under the multinational empires. Thus nationalism in the east had a decidedly anti-capitalist bent to it right from the start. Unfortunately, in Eastern Europe a large percentage of banking and business interests were Jewish-owned, allowing the anti-capitalist sentiment to have a physical personification of otherness, and easily becoming anti-Semitic. To add to the mix, some communists within both Russia and within industrialized western countries were Jewish, lending an anti-communist twist to the already anti-Semitic nationalism. And with a lack of a democratic heritage in Romania, the threat posed by the western capitalist countries also appeared to be caused by democracy. Thus nationalism in Romania, as in many other Eastern and Central European countries, was anti-democratic, anti-capitalist, anti-communist, and above all anti-Semitic.

For Corneliu Codreanu, the founder and leader of Romania’s League of Archangel Michael (or “Iron Guard”, as it was known), “Democracy breaks the unity of the Romanian people, dividing it into parties, stirring it up, and exposing it, disunited, to face the united forces of Judaism...Democracy forms millions of Jews into Romanian citizens, by making them their equal.”²² Romania nationalists used the ideas of Kulturkampf to justify their anti-western position: “From its very beginning, the industrial age destroyed our spiritual culture but it did not [offer] anything better in its place. It rather established a false culture, which corrupts us,”²³ in the words of Codreanu’s deputy. This extreme

²² Berend, p. 81.

²³ Berend, p. 81-82.

nationalism hated anything modern, in other words, anything industrialized, capitalist, and western European. For the Romanians, like so many others in the region, this meant anti-Jewish, and it mattered little the economic differences between communism and capitalism: “Communism’s triumph coincides with Judaism’s dream of ruling and exploiting the Christian nations,” and communism in Romania “would place Romania under the heel of complete Jewish domination.”

The rise of the Romanian national identity was born out of the idea of a “different way” than the west. This idea was that the west was flawed, and the western institutions (capitalism) in Romania were inappropriate to the Romanian national identity because they were dominated by a foreign (Jewish) influence. The contrast that can be seen is that in the west, the national identity was created by the society and the institutions of the state to be inclusive of the people, while in the east, according to the Romanian example, the national identity was created by the idea of the people creating their own state, and their own society, in a way that was exclusive of certain elements.

In between industrialized Western Europe and non-industrialized Eastern Europe is Germany, a country with a national identity unlike either the west or the east. Germany was not created by the fall of a dominating multinational empire, like those countries of Eastern Europe, but neither was it an existing state that created a nation, like the western European countries. It was advanced and industrialized to a western degree by the beginning of the twentieth century, unlike its eastern neighbors, yet it still rejected democracy and developed a totalitarian fascist regime, like the rest of Eastern Europe.

C. NAZI GERMANY

The question this work addresses is how the interaction between ideas, institutions, and society contributed to the evolution of nations, states, and nationalism in Europe between the 18th and the 20th centuries. In discussing Germany, this question must focus on how ideas, institutions, and society

interacted to lead to the rise of the National Socialists, with their subsequent shift from violence to murder to genocide.

Two popular myths exist surrounding the rise of National Socialism in Germany. The first is that it is inherent in the Germans to form militant governments, and that the subsequent war and genocide were inevitable; that it's something in the German blood. The second myth is that the Nazi origins and rise to power are found in Versailles and the Weimar Republic. Both of these myths are wrong; although the second has some elements of truth to it, the first does not.

The origins of the National Socialism are found in German nationalism before the First World War. The idea of a united Germany goes back well into the early to middle nineteenth century, becoming a reality in 1871. However, in the years preceding the First World War, although there was a united Germany, a single German identity was not yet a part of the German culture. It was forming, though. With the mass gatherings and celebrations of the announcement of war in July 1914, the German people began to express their national identity, their idea of being "German" rather than being Bavarian, Prussian, or Saxon. Even the anti-war protests of July 1914 helped to advance the national character. The people, as a mass, were gathering to express their political support, or their political opposition. The idea of the war as a German cause, rather than a policy of the monarchy, allowed the masses to become politically mobilized: whether in support or in opposition is somewhat irrelevant. The scale and scope of the war in the German society allowed the Germans to form some sense of unity and oneness: "World War I transformed German nationalism by giving it emotional depth and tying it to social reform and political entitlement."²⁴

As the war stagnated, the people bore a greater share of the burden and the hardship. Both directly through larger and larger call-ups, and indirectly at

²⁴ Peter Fritzche, *Germans into Nazis* (Cambridge: Harvard University Press, 1998), p. 28.

home through participation in war-relief organization and rationing, the war was waged by the nation, not just by the institutions of the state. More than anything else, the war made the Germans recognize themselves as a nation-state, not just the subjects of the monarch. Because of their sacrifice as a nation during the four years of hardship: “[t]he German people had gotten a glimpse of themselves as a national compact that existed independently of the monarchy and rested on the achievements of ordinary citizens and soldiers.”²⁵ By the end of the war, the national pride visible with the mass celebrations of July 1914 had transformed the German people into a German nation-state. Germans recognized their own political mobilization, and their ability to shape their own national future without the Kaiser. They had “been transformed by war into an increasingly contentious public that had begun to fashion its national and economic destiny by its own efforts, that had grown more confident in its ability to do so, and that in any event appeared less impressed ...by the political institutions of the Kaiserreich.”²⁶

The defeat and the terms of Versailles did not cause the rise of Nazism, but without them Nazism could not have taken hold as it did in Germany. Fascism came to other countries in Eastern Europe because of their relative backwardness, as a reaction of nationalism against western capitalism. In Germany, capitalism was already well-established prior to the war. Germany was much closer, in that respect, to being in the west than it was to being in the east. However, several conditions in Germany at the end of the war combined to create the environment that allowed nationalism to become Nazism, and brought Hitler to power.

First, as already discussed, the nation had become mobilized and found its national potential during the war years. This mobilization of the population significantly contributed to the November Revolution with the hand-over of power to the Social Democrats. Added to this were vast numbers of returning soldiers. The myth of the “stab in the back” defeat became equated with the socialist

²⁵ Fritzche, p. 81.

²⁶ Fritzche, p. 82.

government, leading over time to the emergence of right-wing nationalism eager to defend against the left, seen suspiciously as communism. The actual left-wing communists were no less hostile to the government. Thus Germany experienced hostility by both the right and the left, both sides armed from the war. The conditions of the post-war period exacerbated the situation by placing extreme economic hardships and massive unemployment on both the civilian population, which had experienced its political awakening during the war, and on the returning veterans who fought the war and felt their sacrifice demanded some political expression in post-war Germany. For the most part, these veterans became part of the right-wing Freikorps, or the more numerous Home Guards organizations.

In short, Germany was faced with a mass of harsh conditions (the “sold out” peace, high reparations, war guilt humiliation, unemployment, hyperinflation, radical communists, socialist, etc.) that overwhelmed its ability to develop into a stable democracy along western European lines. In response, the nation which had achieved national self-awareness in the war years once more thought in nationalist terms: “obsessed with the integrity of the nation, which appeared to have been badly mangled, German nationalists thought in increasingly exclusive or racial terms. They honed an apocalyptic rhetoric of danger and redemption and launched vicious attacks on so-called non-German elements – Socialists, Poles, and increasingly Jews – that stood in the way of national renewal.”²⁷ Germany became polarized. With increasing distrust in the Republic (which had never been very popular), which was doing little to ease the conditions mentioned above, the population increasingly turned to the left or the right. The National Socialists were one nationalist party among many on the right end of the spectrum. What made the Nazis stand out among the rest for attracting membership and political power was the oratorical skills of Hitler.

²⁷ Fritzche, p. 130.

Hitler possessed an intense ability to appeal to the nationalist sentiments of the people, already feeling downtrodden and threatened from the left. His Twenty-five points appealed to all classes on a nationalist platform. It supported private property and individual entrepreneurship as part of the German character, while attacking “the idle rich and capitalist exploitation”²⁸, in a word, Jews.

Hitler and the Nazis did not create the nationalist hatred and racism of interwar Germany. Rather, these elements brought Hitler and the Nazis to power. The combination of a nation that could determine its own destiny, in an environment of complete chaos and extreme polarization to the left or right, with armed paramilitary organizations and a weak unpopular government with little support, are the elements that brought the Nazis to power.

Like many of the countries of Eastern Europe, the nationalism of Germany became increasingly exclusionary. The theory of *Kulturnation*, that a man is a member of his nation through his mother tongue and will always be so, was carried one step further. A man who is not a member of the cultural nation, Jews in particular, could never become a member of the nation. He would always be foreign to the nation. When this idea of perpetual difference and foreignness is superimposed on the years of chaos and crisis that Germany experienced, against the backdrop of mass violence and death that the First World War introduced to Europe, the mixture can become volatile, and nationalism became violent, then murderous, then eventually genocidal.

Particularly for Nazi Germany, nationalism became a matter of race. A person was either of the German race, or he was not. Based upon this racial identity, the Nazis attempted to completely restructure Europe along racial lines, with a set racial hierarchy defining social roles of each race. The ultimate fate of the Jews, considered a “non-race” in the Nazi racial hierarchy, was the complete removal of their physical presence in Europe. The methods for their physical removal varied at the outset of the war depending on their location. Within the

²⁸ Stanley G. Payne, *A History of Fascism 1914-1945* (Madison, WI: The University of Wisconsin Press, 1995), p. 154.

Reich between 1933 and 1941 the methods included legal legislation to strip the Jews of their status as citizens, and then acts of terror without recourse to the law (due to their lack of legal status as citizens) in order to induce their voluntary emigration. For the Jews of Poland after the invasion in 1939 the methods included murder, relocation, and ghettoization. For the Jews of the Soviet Union in 1941, the only desired method was murder. At the same time, the Nazis were conducting racial purges within the German race itself through sterilization and euthanasia, in an operation that would ultimately lead to the creation of the death camps. This application of racial nationalism will be discussed in the next chapter.

III. THE NAZI HOLOCAUST

One of the key points to understand about the Nazi Holocaust was that it came from small, even humble, origins. The first concepts, eugenics to promote compulsory sterilization, were western phenomenon as well as German. The second step, euthanasia, is to a certain extent still an issue even today.²⁹ Nor was anti-Semitism itself even remotely the sole purview of either the Germans specifically or the totalitarian right in general. These pieces are significant in recognizing that the genocide of the Jews did not simply begin overnight.

This does not necessarily mean, or even suggest, that without the eugenics and euthanasia movements the Holocaust would never have occurred, but the early euthanasia programs directly led to the techniques and expertise employed in the mass extermination centers. This work will not even begin to go into infinite “what-if” scenarios, but it is safe to say the genocide would have been different to some extent.

Also, one must recognize that the position of the Jews both before and during the Nazi years just wasn’t that central of an issue to the overwhelming majority of Germans. Hitler and his National Socialists hardly came to power solely because of their anti-Semitic platform. The voters really didn’t care all that much one way or another in the early 1930s. What the Nazis did offer were alternatives to other issues, economic and political, that far outweighed the relevance of Nazi anti-Semitism to the average German.³⁰

A. EUGENICS AND EUTHANASIA

The idea of racial contamination, that “pure” Germans would be culturally threatened by exposure to other races, was not unique to the Nazis nor was it a notion unique to the early twentieth century. Although the crisis decades of the

²⁹ Witness, for example, the euthanasia debate arising from Holland in December 2004.

³⁰ Christopher Browning, *The Origins of the Final Solution*, (Lincoln, NE: The University of Nebraska Press, 2004), p. 10-11.

1920s and 1930s radicalized Nazi racial policies, the belief in German racial superiority existed for at least two centuries. Indeed, one German traveler to Poland, Johann Gottlieb Frichte, wrote in 1791 that upon entering Poland: “The first village is Ponikowo, German, but a shudder came over me, especially at the sight of the large dogs running freely around...The dress of the peasants takes on here already in the first village something wild and neglected.”³¹ His further verdict on the Germans in Poland is that “they are pleasant, reasonable, obliging, and polite, only unclean, just like the national Poles, and almost more so, since in them it is more striking to a German eye.”³² The author further describes the streets as “full of straw, garbage, and manure: and “swarm[ing] with Jews”.³³ One would imagine such statements to be, perhaps, from the early twentieth century or late nineteenth century. One must further consider that Frichte’s writings that clearly suggest racial contamination of Germans by Poles and Jews predate a German state by nearly a century.

The early stages of the Nazi racial policies were not specifically targeted against the Jews. They targeted all elements within the Reich that were perceived to weaken the race, both Jewish and non-Jewish alike. Also, the very first racial policies that led to genocide were not even intended to kill.

The first efforts at racial purification were the early eugenics programs. The purpose behind these programs was not to kill, but to prevent reproduction by those individuals seen as posing a threat to the strength of the German race. In July 1933 the so-called sterilization law was passed, which directed compulsory sterilization for persons suffering from a variety of mental and physical disorders. In October 1935, the sterilization law was followed by the Marriage Health Law, which required screening to prevent marriages of “persons considered carriers of hereditary degeneracy, particularly those covered by the

³¹ Larry Wolff, *Inventing Eastern Europe*, p. 334.

³² Wolff, p. 335.

³³ Ibid.

sterilization law.”³⁴ However, the drive for eugenics and sterilization was hardly an innovation of the Nazis nor was it even a German-originated concept.

The British naturalist Francis Galton created the term “eugenics” in 1881. It was described by the American eugenics proponent Charles Davenport as “the science of the improvement of the human race by better breeding.”³⁵ In 1927, Oliver Wendell Holmes presented the eight-man majority opinion of the U.S. Supreme Court’s ruling supporting a Virginia law authorizing compulsory sterilization of handicapped patients with hereditary insanity or imbecility. His opinion stated that “it is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the fallopian tubes. Three generations of imbeciles is enough.”³⁶

However, while the position forwarded by Justice Holmes finds its justification in the drain on resources i.e. public welfare. It addresses eugenics as an individual basis. In contrast, by the interwar years, German eugenics advocates focused on a racial basis. The eugenics movement was centralized under the German Society for Race Hygiene, and largely addressed the study of “family genealogies” to “safeguard the nation’s ‘genetic heritage’ and viewed degeneration as a threat.”³⁷ Exactly what constituted this threat of racial contamination left ample room in later years for maneuver room under Nazi genocide.

German racial hygiene reached new levels under the Weimar Republic. During this period, following the war and humiliating defeat, and amplified by the

³⁴ Henry Friedlander, *The Origins of Nazi Genocide*, (Chapel Hill, NC: The University of North Carolina Press, 1995), p. 23. Numerous sources address the eugenics and euthanasia movements in general, but none in as much detail as Friedlander. See, for example, Mark Mazower, *Dark Continent: Europe’s Twentieth Century* (New York: Vintage Press, 1998), p. 96-100. Also Naimark, p. 60-62.

³⁵ Friedlander, p. 4

³⁶ Friedlander, p. 9.

³⁷ Ibid.

political, economic, and social chaos of the interwar years, “large numbers of the professional classes embraced the racial ideology of radical German nationalism. They sympathized with the movements that called for a strong leader to command a community based on racial purity and strength...”³⁸

Furthermore, the professional proponents of racial hygiene and eugenics were far from the radical fringes. They were, instead, highly-respected members of the medical community. Indeed, a number of eugenics and racial hygiene research centers were established in Germany during the Weimar years.³⁹ In fact, the entire early stages of the Nazi genocide, those of sterilization and later euthanasia, were utterly dependant upon the medical profession. Without its willing cooperation and participation, these stages would not have been possible.

Under the first stage of Nazi racial hygiene policies, the 1933 Law for the Prevention of Offspring with Hereditary Diseases (the so-called sterilization law) compulsory sterilization was introduced. Under this law, “any person suffering from a hereditary disease can be sterilized if medical knowledge indicates that his offspring will suffer from severe hereditary physical or mental damage.”⁴⁰ It further defines these hereditary diseases as:

1. congenital feeble-mindedness
2. schizophrenia
3. manic-depressive psychosis
4. hereditary epilepsy
5. hereditary St. Vitus’s dance (Huntington’s chorea)
6. hereditary blindness
7. hereditary deafness
8. severe hereditary physical deformity
9. severe alcoholism⁴¹

Under the sterilization law, application for sterilization could be made by the patient, or by physicians of public health services, or by directors of hospitals,

³⁸ Friedlander, p. 12.

³⁹ Friedlander, p. 12-13.

⁴⁰ Friedlander, p. 26.

⁴¹ Ibid.

homes, and prisons. Furthermore, if the application was approved by the court⁴², the sterilization could be carried out even against the will of the individual. The police were empowered to use force if necessary. The law took effect on 1 January 1934. Between 1934 and 1936, 259,051 applications for sterilization were made, 198,869 were approved, and 168,989 were actually carried out. Altogether, approximately 300,000 sterilizations took place before the war, and another 75,000 or so after the war began.⁴³

There are two significant points to bring out about the early sterilization program of the Nazis.⁴⁴ First, the future victims of the genocide weren't targets during these procedures, except as they fell into one specified categories of hereditary disease carriers. At this stage, the German nationalism sought to exclude any element that would weaken the German 'genetic heritage', whether foreign or not. Second, the sterilization program was conducted overtly, with full public knowledge. This was no so with the next step of euthanasia. This was, for the most part, conducted in great secrecy, with steps to even hide it initially from the law.

The first part of the euthanasia program was the killing of handicapped infants. The Fuhrer authorized the planning of the infant euthanasia program at

⁴² The law established hereditary health courts and appellate courts of hereditary health. The cases were heard in the lower courts by one judge, one physician of the public health services, and one physician considered to be an expert of hereditary sciences. Friedlander, p. 26.

⁴³ Friedlander, p. 27-30. Only these three years of data are available, according to Friedlander, plus some for the first half of 1937 which show 28,430 sterilizations up to that point for that year.

⁴⁴ Also a minor point to make at this stage is that the initial sterilization program was administered by the state bureaucracy, rather than the Nazi Party. There was substantial infighting between the civil service and the party for control of the sterilization, with the party seeking to wrest control from the state. Both sides put their arguments before Hitler in 1937, who final ordered on 14 June 1937 that the party and the civil service cooperate. The system still remained in the hands of the state, but the party gained a veto in the process. Before the public health service could initiate an application for sterilization, it had to obtain the approval of the Nazi regional party leader. Friedlander, p. 36-37.

the end of 1938.⁴⁵ To keep the project as inconspicuous as possible, Hitler assigned it to his own Chancellery of the Führer of the Nazi Party (KdF)⁴⁶, an organization that was accountable only to him and placed Phillip Bouhler (head of KdF) and Karl Brandt (his personal physician) in charge of establishing the program.⁴⁷ Between February and May of 1939, the men tasked with developing the euthanasia program worked out the methods for its implementation. To maintain secrecy, they created the Reich Committee for the Scientific Registration of Severe Hereditary Ailments, known as the Reich Committee. This fictitious organization was just a front with a mailbox to cover the involvement of the KdF. The Reich Committee was initially run by Viktor Brack, the head of Central Office II of the KdF, Hans Hefelmann, the chief of office IIb under Brack, and Richard von Hegener, Hefelmann's deputy. Additionally, the men met privately with Dr. Herbert Linden, of the Reich Ministry of the Interior (RMdI). Linden was the director of the Section for State Hospitals and Nursing Homes, of Department IV (National Health) of the RMdI. Although the project was run by the KdF for discretion, only the RMdI had the authority to issue enforceable directives, and so the cooperation of Department IV was essential.

⁴⁵ Henry Friedlander credits the pretext for the start of the child euthanasia program with the Knauer baby, born in 1938, p. 39. Christopher Browning puts the birth of the Knauer baby birth February 1939, p. 185. Furthermore, Browning lists the infant as "Gretchen Herbert Kretschmar (the so-called Knauer child...)" while Friedlander describes the child as "sex unknown". Also, Friedlander states the Knauer petition was one of several "similar appeals". Both sources agree that Hitler sent his accompanying physician, Dr. Karl Brandt, to investigate and if the facts of the infant's deformities were accurate, to euthanize the infant. Friedlander's source is the US Military Tribunal testimony of Brandt, while Browning's source is Ulf Schmidt's "Kriegsausbruch und Euthansie", published in 2000. As the material facts are largely in agreement, I lend greater weight to the primary source of Dr. Brandt's testimony, and therefore follow Friedlander's timeline. The Knauer killing aside, both sources put the first killings in October 1939, and both agree that the planning of the euthanasia program pre-dated the Polish invasion, with the Knauer baby serving as a pretext.

⁴⁶ "KdF" is the abbreviation that Friedlander uses to identify the Chancellery of the Führer of the Nazi Party. Do not confuse this KdF with the Kraft durch Freude, the subset of the National Socialist Deutsche Arbeitsfront, the national labor organization. I use Friedlander's abbreviation to maintain consistency with source I am citing.

⁴⁷ There were a number of Chancelleries. In addition to the KdF, which handled Hitler's "private" affairs, there was the Presidential Chancellery (which dealt with Hitler's official affairs as Head of State), the Reich Chancellery (which handled government affairs), and the Nazi Party Chancellery (which handled the affairs of the Party). The KdF was "hidden from public view and relatively small", and "could direct the killings without involving too many people, and without becoming too visible." Friedlander, p. 40.

Furthermore, Department IV was responsible for the eugenics policy and the enforcement of the sterilization law.⁴⁸

What made the cooperation of Department IV so essential was the dependence of the entire project on medical facilities, institutions, and personnel. Prior to the actual killings, the Reich Committee, through Department IV, issued a decree ordering all midwives and physicians to report all newborns and children up to the age of three with specified conditions:

1. idiocy and mongolism
2. microcephaly
3. severe or progressive hydrocephalus
4. all physical deformities
5. paralysis⁴⁹

The decree provided a form that also required a brief description of the condition, chances of improvement, life expectancy, ability to function, and so forth. Not much room was provided for details. The forms were returned via the public health service to the Reich Committee, who reviewed them and determined, based solely on the information provided on the form, whether the child would live or die.

Upon selection for euthanasia, the child was transferred to a children's ward established by the Reich Committee at one of several state hospitals for the actual killing. The first was at Brandenburg-Gorden under the direction of Hans Heinze, one of the three medical experts on the Reich Committee who selected the children, and an avid proponent of euthanasia. Over the next three years the Reich Committee established a total of twenty-two children's killing wards. The Reich Committee had to find directors who were willing to house the killing wards, and had to recruit the physicians willing to do the killing. The directors

⁴⁸ Friedlander, p. 39-42.

⁴⁹ Friedlander, p. 45.

and physicians were recruited voluntarily; the few who refused to participate were excused without coercion or repercussions.⁵⁰

At no time was the true purpose of the transfers discussed or revealed to either the parents or the medical facilities transferring the children out. Rather, the entire operation was disguised as being for the benefit of the patient to receive special care. In announcing the first children's ward at Brandenburg-Gordon, the RMdl decree informed the public-health services that "under expert medical supervision the psychiatric children's ward at Gordon near Brandenburg on the Havel will provide all available therapeutic interventions made possible by recent scientific discoveries."⁵¹ The RMdl, under the guidance of the Reich Committee, even went so far as to have either the parents or the welfare system provide payment for the "therapeutic treatment" without revealing its true nature.

At this stage, the method of killing was unspecified and varied widely from center to center. Each killing was done on an individual basis, unlike the adult euthanasia systems that eventually led to the death camp killing systems. For the children at this point, the method of killing was "left to the discretion of the physicians."⁵² Although some institutions simply starved the children to death, most preferred the use of medication. Additionally, the medications used were often just gradual overdoses of common hospital medications, rather than poisons, a method that did not cause outright death. Instead, this method led to medical complications such as pneumonia. Thus the hospital could then, rightly, report the cause of death as "natural causes", thus avoiding arousing suspicion. Of course, this argument did not hold up in post-war military tribunals, but by then it was too late.⁵³ Regardless of the method used to kill the handicapped children, each death was undertaken individually, rather than through systemic process. That development would take form with the murder of handicapped adults.

⁵⁰ Friedlander, p. 48.

⁵¹ Friedlander, p. 47.

⁵² Friedlander, p. 53.

⁵³ Friedlander, p. 55.

It is critical to reiterate at this point that the killing of the handicapped children was not a genocidal practice; if the victims were Jewish it was only coincidental to being handicapped. However, the children were killed for reasons of racial purity, which is only one very small step away from initiating genocide, and in this case was a precursor step to subsequent genocide. For these victims, “the children were killed because they did not fit into the projected future German society.”⁵⁴ The essential elements, however, are similar to that of genocide: intentional killing of a perceived weakness to the race, for the purpose of promoting the superiority of the race. For the children, the reason for the perceived threat to the genetic heritage of the race was a belief in their individual genetic weakness due to some physical or mental deformity. This is only a small step away from the perception of an entire group being inferior, and therefore a genetic threat. For the Nazis, of course, this group was the Jews.

Another absolutely critical point to highlight is that the euthanasia of the children did not involve either the cooperation, or even the consent, of the society. It was without a doubt the work of a relatively few individuals. The extreme efforts to conceal the program from all elements of the society, including most parts of the bureaucracy itself, are clear indicators that the Nazi leadership felt that society would disapprove of the program. Indeed, many parents of euthanasia victims had to be coerced into admitting their children into the children’s wards even with the fabrication of advanced medical care and without any knowledge of the child’s imminent murder. The euthanasia grew out of the eugenics science that had some international following to it. Basically, there is absolutely no way that the blame for the euthanasia can in any way be placed upon the German people. It rests squarely upon the Nazi leadership, and the select individuals in the medical profession that perpetrated this crime. All told, some 5,000 children were murdered in the Reich Committee’s children’s wards.

⁵⁴ Friedlander, p. 58.

At the same time that the Reich Committee's killing operation of children was happening, a parallel, closely related operation was underway to kill handicapped adults within the Reich. This operation, however, was for a different purpose. The killing of the handicapped children was to eliminate future weakening of the German genetic heritage; in other words, to kill them before they could reproduce although the rationale to justify the killings was to mercifully spare them from a life of pain and suffering that they would be unable to adjust to anyway. The neither of these arguments, either the eugenics argument of protecting the heritage, or the Samaritan argument of mercy-killing, holds up against the killing of the handicapped adults. In the first place, they had already been sterilized for the most part under the 1933 sterilization law, so they could no longer threaten the genetic heritage anyway. And as adults they had already demonstrated the ability to adjust to living their lives, so the mercy argument fails to hold either. The reason for their deaths, according to Friedlander, was a purge of the race:

Although the murder of handicapped adults was both unnecessary and senseless because they were already sterilized and thus unable to produce descendants, for the killers a logical progression led from exclusion to extermination. First, the regime had implemented compulsory sterilization to inhibit the birth of potentially unfit infants. Second, it had introduced euthanasia for children to eliminate any such infant not prevented by the sterilization program. Third, having assured the future, it proposed to cleanse the present and erase the past by launching euthanasia for the adults.⁵⁵

As early as 1935 Hitler had said he would introduce compulsory euthanasia when war came. In the summer of 1939 Hitler gave the assignment to prepare for the killing operations to Bouhler and Brandt, the men he had already tasked with creating the children's euthanasia program, who in turn assigned it to Vicktor Brack and his Department II of the KdF, thus placing both euthanasia programs under one control. However, due to the population size of

⁵⁵ Friedlander, p. 62.

the victims, the small KdF staff was insufficient for the scope of the task. A new front organization was created, with offices at Tiergarten Strasse Number 4, giving the operation its code-name: Operation T4.⁵⁶

The scope of the project also required the recruitment of far more staff and physician s that the children's program, and under existing German penal Code articles 211 and 212 “[k]illing a human being, except enemy soldiers in battle or criminals legally convicted by a court, continued to be a crime in Nazi Germany...”⁵⁷ Thus T4 had to assure its potential physicians that they would not be prosecuted for participating in T4. To that end Brandt and Boughler succeeded in getting written authorization from Hitler in October 1939, pre-dated to 1 September 1939.⁵⁸ With such written authorization, Brack had little difficulty in recruiting personnel, largely through personal contacts and party connections: “No one was forced to participate; all joined voluntarily.”⁵⁹

With the onset of T4 Operations, the killing began to develop the techniques that would become standard in Operations Reinhard in the east. Like the children's euthanasia, the first step in the process involved issuing questionnaires through the RMdl. First the local governments were required to provide information on the number of state hospitals, old-age homes, and sanatoriums. Then the RMdl, once again through Linden's office, approached the institutions individually with questionnaires about the facilities, staff, number of patients, number of criminals, number of Jews, and proximity to transportation, all with an eye toward systematic development of the killings. The RMdl also sent questionnaires to be filled out about the individual patients, including name, age, citizenship, race, time at the institution, guardian, payment information,

⁵⁶ Friedlander, p. 68.

⁵⁷ Friedlander, p. 66-67.

⁵⁸ Proponents tried to get a law passed that authorized the killings, but Hitler adamantly refused then or on later occasions to even consider a public law, which would doubtless have drawn public attention to the project, a condition that obviously was undesirable. Friedlander, p. 67.

⁵⁹ Friedlander, p. 69.

whether relatives visited on a regular basis, and whether the patient was criminally insane. A small block asked for a diagnosis, and another small block asked about the type of work the patient could do.⁶⁰

These questionnaires were required for all patients in one of a number of specified medical categories, but also for patients who were “without German citizenship” and “not of Germanic or related blood.”⁶¹ These last two, combined with the types of questions asked on the surveys about relatives, payments, race, and ability to work, can be seen as the first direct steps toward genocide. The actions up to this point, sterilization of the handicapped and euthanasia of handicapped children, were murder but without genocidal undertones. The killing now shifted away from killing on specific individuals to classifying individuals as parts of groups to determine their status in the killing program. However, the killings have not yet become part of the genocide; Jews are not yet being killed as a group, but the building blocks for the Jewish genocide fell into place with the adult program.⁶²

Based on the questionnaires provided, a panel of T4 physicians scanned the forms and indicated life or death, and the killing system took over the fate of the victims in such a way as to “assure the killing systems would have neither to many nor too few victims at any one time; only a consistent and constant flow of patients could guarantee a cost- and labor-effective killing operation.”⁶³

T4 notified the “surrendering institution” a few days before transport, through Linden’s RMdl department, that on a certain date Gekrat⁶⁴ would pick up a specific *number* of patients. Notice that as late as few days prior to transport,

⁶⁰ Friedlander, p. 76.

⁶¹ Ibid.

⁶² At the same time the genocide had already begun in terms of laws to limit the rights and freedoms of the Jews, and expel them from the Reich. The genocide just hadn’t reached its systematically murderous conclusion yet.

⁶³ Friedlander, p. 83.

⁶⁴ The front organization, known as the Charitable Foundation for the Transport of Patients, Inc., that was responsible for T4 patient transports.

the institution only has numbers, not names. As we shall see shortly, Gekrat wasn't concerned as much with who was transported as it was concerned with how many were transported, another step closer to the impersonal killing system of the genocide. Two days before pickup the institution received the list of names for transport, and a day before pickup a Gekrat representative arrived to finalize the transportation details. At this point, the hospital sometimes was able to negotiate with the representative to have a particular patient's name removed from the transportation list, particularly if that patient was an able-bodied worker need by the institution. However, the numbers had to match and so another patient had to be substituted, thus demonstrating that at this point killing one handicapped adult was as good as another, without real concern for the individual handicap. The next day, the infamous grey Gekrat buses arrived, and the patients were loaded on with their personal belongings, all personal and medical records, and all valuables, which were recorded on separate forms. All this was done in great secrecy, obviously. The surrendering institutions were ordered not to notify relatives prior to the transfer, nor to inform whoever was paying for the patient (relatives, welfare agencies, etc.). Only after the patient was transferred, and killed, did T4 begin the false notification process. The surrendering institutions sent a form letter (received from Gekrat) informing the relatives that the patient had been transferred at the orders of the Reich defense commissar, that the receiving institution would contact them, and that the surrendering institution had no further information to provide. The killing center sent a letter a few days later informing the relative that the patient had been received, but that visits were prohibited for the time being. Shortly thereafter, the relatives received a letter that the patient had died, and due to an epidemic the body had already been cremated.⁶⁵

Throughout the Reich, six killing centers were created in 1940. The first was established at a vacant prison in Brandenburg on the Havel. The rest were created from existing medical facilities. Depending on the particular center, the

⁶⁵ Friedlander, p. 83-85.

gas chambers could hold between twenty-five and seventy-five people at once. The chambers were modified from an existing room in the buildings to resemble a shower room, with tiles, benches along the walls, and fake showerheads. The doors and windows had been modified to provide an airtight seal. The gas was piped into the chambers through one-inch pipes along the floors with holes in them for the gas. The gas was bottled carbon monoxide located in an adjacent room.⁶⁶

Upon arriving at the killing centers, the patients underwent a process that has become tragically familiar to history, on a much larger scale in the east. First the victims were met by a nurse and brought into a reception room. There they were made to undress, and their belongings were sorted and numbered. Next they went one at a time in to see a physician. This helped to pacify the victims by maintaining the illusion of being a medical facility. The actual purpose of the physician was to make a cursory assessment of the patient to determine a fraudulent cause of death for the death certificate. The physicians also marked those patients' bodies that had gold dental work, for removal after death. The next step was usually a photograph of the victim, and then when the entire transport was completed with this "reception process" they were assembled and led into the gas chambers. After ten minutes, the gas was shut off, and the chamber remained sealed for one to two hours afterwards. After that time, the chamber was vented. Facility staff "stokers" then removed the bodies and piled them in an adjacent room for various medical purposes, such as autopsies and organ removal for scientific study. Also the gold dental works was removed. Finally the stokers cremated the bodies. The ashes went randomly into urns in case any relatives requested the remains, as per the death notifications.⁶⁷

The use of gas as a killing agent was not a unique aspect of the euthanasia program; it had been used in Poland already. A test gas chamber was constructed at Fort VII at Poznan, and in November and December 1939,

⁶⁶ Friedlander, p. 89-97

⁶⁷ Friedlander, p. 93-98.

some 595 Polish mentally handicapped patients were gassed. Both carbon monoxide and an agent similar to Zyklon B were tested. Carbon monoxide was found to be more effective. Fort VII was not suitably located to transportation lines, however, which created secrecy problems for transporting patients in, and corpses out. For these reasons, Herbert Lange's infamous commando began using specially-modified killing vans, where-by the gas was diverted into a sealed chamber on the back of the truck to kill its victims. This way, Lange's commando was able to "bring the gas chamber and bottled carbon monoxide to the victims" instead of bringing the victims to the gas.⁶⁸ What made the T4 operations so significant to the progress toward genocide was the systemic way it which it "processed" its victims.

On 24 August 1941 Hitler ordered the stop of the adult euthanasia program in the T4 killing centers. He did not, however, order the end to the actual killing of the handicapped adults. In spite of its massive attempts at secrecy, the public was beginning to become aware of the operation. Occasional mistakes and inconsistencies in the fabricated deaths occurred, and at the original Brandenburg killing center, the smell of burning flesh from the crematorium had so permeated the city that T4 had to close it in September 1940. Euthanasia continued after the stop order, but it entered into its "wild" phase, where victims were killed locally be far less systematic methods, ranging from starvations to medication overdoses. Slightly more than 70,000 mentally handicapped victims died in the killing centers. Concurrent with the killing of the handicapped was the expulsion of the Jews from Germany, an act unquestionably genocidal. Eventually the two programs, Jewish expulsion and systematic killing would come together in the form of the extermination camps.

B. THE EXPULSION POLICIES

The sterilization and euthanasia programs formed the origins of what would become the extermination camp systems, but at the beginning these

⁶⁸ Browning, p. 188-189.

programs were not part the Jewish genocide. As discussed, the victims of these programs were largely German, and the Jews were victims only if they fell into one of the categories specified by the programs. This would change later, and Jews would become victims of T4, and later Operation Reinhard, solely by being Jewish. These will be discussed later.

At the same time as the sterilization and euthanasia, however, the Jews were falling victim to the genocidal act of expulsion. Throughout 1939 and 1941 they were forced out of their homes and cities, and relocated the east. Those who would argue that there is a qualitative difference between genocide and ethnic cleansing would argue that this was not a genocide, but “only” ethnic cleansing. During this period, the Nazis did not seek to kill all the Jews, but merely to remove their presence from the Reich.

As argued in Chapter I, however, this author sees no real distinction between the two, and sees the expulsion acts to be just as genocidal as the later extermination camps. The point of the expulsions was to rid the Reich, including its territorial acquisitions, entirely of both the Jews and of any and all Jewish influence. This is, quite clearly, what Lemkin meant when he wrote about genocide.

Even before the start of the war, the goal of the Nazis was to drive all the Jews out of Germany, to make Germany judenfrei. Their earliest methods were to induce the Jews into leaving voluntarily, through the enactment such as the Haavara Agreement of August, 1933. Under this agreement, between the Nazi government, the Anglo-Palestine Bank, and the German Zionist Union, Jews were permitted to emigrate to Palestine without restriction, but had to leave half their property to the German State. Some 60,000 Jews took advantage of this program.⁶⁹

In 1935 the regime took more steps with the enactment of the Nuremberg Laws. These laws had two purposes. First, it specifically defined who was a

⁶⁹ Naimark, p. 64-65.

Jew, based upon the Nazis vague racial science. Second, it deprived the Jews of their legal status, including their German citizenship, and made “marriages and sexual relations between Jews and Germans” illegal.⁷⁰ Gradually more restrictions were emplaced “with the intention of forcing them to leave the country.”⁷¹ Prohibitions were placed upon the Jews that forbade them from practicing certain professions, such as medicine and law. Their property rights were gradually reduced, and eventually, as in the example of the Berlin Jews, they were required to declare all property and transfer it to either the State or to Aryan ownership.⁷² All these practices were intended to make life for the Jew in Germany so unbearable he would leave of his own accord.

Besides this legal avenue of denying the Jews their civil rights and legal status was a campaign of indiscriminate violence, although at this point it was uncontrolled hooliganism for the most part, rather than systemic and coordinated. The most famous outburst of violence against the Jews, of course, was Kristallnacht in November 1938. As both Naimark and Browning point out, this uncontrolled violence and destruction was not appreciated by the German population, and threatened to get out of control.⁷³ Even after all of these measures, many Jews remained in Germany, hoping that the situation would improve and that things would get better.⁷⁴

Even during the early years of the war the Nazis permitted, and even encouraged, the emigration of German Jews, because “the short term priority of the Nazi regime was to make the Third Reich the first territory in Europe to be free of Jews.”⁷⁵ As the war progressed and more territory fell under Nazi influence and control, the Nazis enacted measures to limit the emigration of Jews

⁷⁰ Joseph Telushkin, *Jewish Literacy*, (New York: William Morrow and Co., Inc., 1991) p. 347.

⁷¹ Naimark, p. 66.

⁷² Ibid.

⁷³ Browning, p. 10 and Naimark, p. 67.

⁷⁴ Telushkin, p. 347. According to Telushkin, a bitter joke years after the war says “the pessimists went into exile, the optimists went to the gas chambers.”

⁷⁵ Browning, p. 195.

from other countries. This was for the purpose of allowing German Jews to take advantage of the few options still open to Jews, such as continued immigration into Palestine. The Foreign Office assisted in negotiating a treaty with Italy before the latter's entry into the war, which allowed German Jews access to Trieste to transit to Palestine. After May 1940, when Italy refused further entry to German Jews, the German Foreign Office assisted in expediting the paperwork of German Jews to transit through the Soviet Union and Manchukuo to Shanghai, until Operation Barbarossa closed this route too. German Jews were permitted to emigrate from Germany until as late as October, 1941, more than two years after the start of the war.⁷⁶

According to Browning, the conquest of Poland in 1939 placed an additional 2 million Jews under the Nazis and completely changed the Jewish question. Prior to the war, the Nazis sought to rid Germany of its Jews through emigration; now the vast numbers involved made more drastic solutions necessary for the Jews outside the Old Reich.⁷⁷ To this end, once Germany conquered Poland, it began to relocate the Polish Jews with the ultimate aim of expulsion from all Reich territories, although for the time being it left the Jews in the Old Reich and Austria alone.

This relocation program in preparation for expulsion created the Polish ghettos. These ghettos were created with the intention of only providing intermediate locations for the Polish Jews. The plans for their final destination varied wildly from the Soviet Union to Madagascar.⁷⁸ To this end, the Polish ghettos arose far more as a result of local measures to prepare for future movements than as a result of any grand plan for the Jews. In any event, these vast expulsions never occurred. From September 1939 to April 1941, only

⁷⁶ Browning, p. 195-197. Emigration did not come without a price, however. By this time emigrating Jews had to leave all property behind, and not all Jews were permitted to leave. In particular, the Foreign Office recommended that any Jew who was considered to be potentially advantageous to the enemy's economy or propaganda be denied approval.

⁷⁷ Browning, p. 12.

⁷⁸ Browning, p. 111-113.

approximately 63,000 Polish Jews were actually deported.⁷⁹ Exactly what the function of the ghettos was and how the Jews were to be treated in the ghettos was disputed among the Nazis. Some viewed the ghettos as a means to attrit the Jews through starvation; others viewed the ghettos as a means to contain them while still making them productive to the German war effort.⁸⁰ In any event, intentional or not there was not enough food supplies available in the ghettos. Browning asserts that “the whole point of the ghetto was to force the Jews to disgorge their ‘hoarded wealth’ in exchange for food.”⁸¹

By the end of 1940, the Polish ghettos had become permanent fixtures. At this point, two plans for forced mass expulsions came to the fore. By now the Nazis had effective control over approximately four million Jews in all its captured territories and the Reich. One proposal was the re-emergence of the Madagascar Plan, in which all the Jews would be shipped off to Madagascar after the expected defeat of the British. The other proposal was to force the Jews even further east over the Urals after the expected defeat of the Soviets. An additional plan envisioned that the defeat of the Soviet Union would cause Great Britain to “lose heart and sue for peace; the western Jews, including those in North Africa, could then be shipped off to Madagascar.”⁸²

C. KILLING THE JEWS

The Polish campaign brought about the first killings of the Jews. The war in Poland was marked by the mass shootings of large civilian populations, but “whenever large numbers of people had been shot, Jews had always been shot

⁷⁹ Browning, p. 109.

⁸⁰ Browning, p. 113.

⁸¹ Browning, p. 116.

⁸² Naimark, p. 72-74. The Madagascar Plan was not meant to be a reprieve by any means. The Jews would surrender their assets to the Reich to finance the venture, and the island would become a German protectorate under a German governor. The Nazis were well aware that Madagascar was inhospitable, and much of its surface was malarial swamps. The Urals plan was similarly a wild venture, based on the notion that Soviet resistance would be minimal at best, and that victory would be cheap, easy, and quick, from as few as eight days to four months at worst. Once this rapid victory was assured, the Jews could be moved right away.

in disproportionate numbers.”⁸³ However, it does not appear that there were explicit orders to murder the Jews *en masse*. During September of 1939 many Jews were murdered, often by regular troops. At one point, the murder of Jews had become so common that the commander of 10th Army inquired from his superior, Rundstedt, if the army had issued orders to shoot civilian prisoners. Rundstedt replied in the negative.⁸⁴ However, Himmler had ordered the Einsatzgruppen to “shoot all insurgents, loosely defined as anyone who endangered German life or property.”⁸⁵ To this end mass executions of all classes of Poles occurred: intelligentsia, Catholic Priests, Jews, and Gypsies. In sum, from the start of the war until 25 October 1939, some 16,336 executions were carried out in Poland.⁸⁶ This was paltry compared to the numbers of victims from Operation Barbarossa.

Prior to the actual invasion in June, Hitler issued an order on 3 March 1941 considered by historians as the signal to unleash total destruction against the Soviet Jews. He stated that “the Jewish-Bolshevik intelligentsia must be eliminated.”⁸⁷ Naimark asserts that “[I]n the Nazi mind, the internationalism of the Bolsheviks blended with the Jewish world conspiracy in a dangerous portion that mortally threatened the German nation and its right to rule Europe.”⁸⁸ This

⁸³ Browning, p. 213.

⁸⁴ Browning, p. 29.

⁸⁵ Browning, p. 28.

⁸⁶ Browning, p. 29.

⁸⁷ Naimark, p. 74. On 12 May 1941, the infamous “Commissar Decree” (Kommissarbefehl) was issued, virtually granting the Army carte blanche to violate the accepted laws of war. This decree ordered all captured commissars of the Red Army to be summarily shot. Although this decree in and of itself did not specify actions against the Jews, other orders were issued with the Commissar Decree that addressed conduct in the upcoming invasion. In particular, on 6 May 1941 the OKH issued a decree that allowed for the shooting of civilians who participated or “want to participate” in hostile acts, and exempted soldiers from punishment for acts committed “out of bitterness against ...subversive carriers of the Jewish-Bolshevik system.” Taken together, these decrees set the foundation for free, unconstrained killing at will. See Alexander Dallin, *German rule in Russia, 1941-1945*, (Boulder, CO: Westview Press, 1981), p. 30-34, and Theo Schulte, *The German Army and Nazi Policies in Occupied Russia*, (Oxford: St. Martin’s Press, 1898), p. 215.

⁸⁸ Naimark, p. 75.

ties back into the ideas discussed in Chapter I about the exclusionary nationalism prevalent in the interwar years in Central and Eastern Europe.

Yet even with Hitler's statement in March, the actual transition to deliberate mass execution of the Soviet Jews had a fitful start. Browning argues that tactical commanders of SD, police, Einsatzgruppen, and Wehrmacht units began the killings as early as 24 June 1941, and only after the fact did Himmler and Heydrich sanction these shootings.⁸⁹ Over the next several weeks the shootings became larger and more commonplace, and included more women and children. By the end of July, more than 63,000 victims had been shot by the Einsatzgruppen, and more than 90% of them were Jews.⁹⁰

The killing of the Jews had, by this point, become standardized, although it still involved shootings. The killers brought their victims in groups to remote killing sites, where the first group had been made to dig a mass grave. The victims were forced to strip, and then were either shot on the edge of the pit or were forced to lie on top of previous victims and were murdered in the pit. It was a bloodbath, and became "execution tourism" for on-looking Germans.⁹¹

With the mass executions that included Jewish women and children, "the crucial step to systematic mass murder had been taken."⁹² Sometime in the late summer or early fall of 1941, Hitler apparently gave Goring the authorization to have Heydrich begin planning the total annihilation of all European Jews. The Polish ghettos, originally intended to be waypoints along the route to expulsion, had become permanent and a new solution was needed, one that would also address German Jews within the Reich. But the experiences of the Soviet Jewish executions demonstrated some serious difficulties for the Nazis. First was that the mass killings by firing squad required considerable manpower. Second was the obvious mental strain the on the firing squad. And third was that

⁸⁹ Browning, p. 253-255.

⁹⁰ Browning, p. 260.

⁹¹ Browning, p. 261.

⁹² Browning, p. 352.

the executions did not remain secret for long. Too many soldiers knew about them, and took pictures and wrote home about it. While this was not a problem in the far-off Soviet front, it would create serious difficulties in the rest of Europe. The Nazis needed a more efficient, detached, and secret method to kill the rest of the European Jews.⁹³

The solution, of course, was the gas chamber method that was originally developed for the euthanasia program. Besides the specified handicapped victims, it had already been used to a limited extent for the mass murder of Jewish patients. Sometime in March or April of 1940 the decision to kill Jewish handicapped patients still in German hospitals, regardless of their specific medical or psychological condition. In April of 1940, Linden of the RMdl requested all local authorities to report the total numbers of Jewish patients in their hospitals. The first transports began moving their victims to the killing centers in late June 1940. The procedures were the same: the RMdl directed that Jewish patients be transferred to a small number of institutions, which served as assembly centers. Gekrat then informed the assembly centers that on a particular day it would pick up a certain number of patients, after which they were taken to one of the killing centers and killed the same day. Unlike the German victims, the relatives of the Jewish victims received only the briefest notification of the transfer of their relatives. Initially the notifications said that destination was unknown. However, in order to continue to receive payments for its victims long after their deaths, T4 developed the charade that they had been transferred to Chelm, in the Government General. An elaborate system developed whereby a T4 functionary even traveled the Chelm to mail responses to German Jewish relatives' inquiries, so the postmark would be correct. By December 1940, most Jewish patients in German hospital were dead. The remainder would become victims of the transports of German and Austrian Jews that began in October 1941.⁹⁴

⁹³ Browning, p. 353-354.

⁹⁴ Friedlander, p. 272-282.

With the model of the euthanasia centers, the massive numbers of Jews in the Polish ghettos and also still inside the Reich, and the difficulties experienced by the Einsatzgruppen in the Soviet Union in terms of manpower, stress, and secrecy, the creation of the Nazi extermination camps was a logical evolution. As T4 had discovered, it was far more efficient and easier to bring to victims to the killers than to kill the victims were they were. The first killing center was at Chelm, in Poland, and began operating in December 1941. Initially this center employed large van that recycled their own carbon monoxide to kill. Only in 1942 did the next camps (Belzec, Sobibor, Treblinka, Majdanek, and Auschwitz) use gas chambers. And only Auschwitz and Majdanek used Zyklon B, the rest used carbon monoxide.⁹⁵

As this chapter has hopefully shown, the genocide of the Jews by using the extermination centers of the east was a process that evolved gradually, through the crucible of war. It was not a plan that sprang fully-formed from the minds of its authors, but developed off of other programs, admittedly just as horrific. And these programs nonetheless came about through experimentation, with trial and error. Although one cannot (and should not) argue that the initial pre-war eugenics movement and sterilization led directly to the death camps, one can see that events and ideas built upon each other. Even without the eugenics and euthanasia, the Jews would have been victims of mass murder, as was the case of the Soviet Jews murdered by firing squads. Yet it is equally possible that without the model of the euthanasia centers the Jews in Poland, well away from the brutalities of the war on the eastern front, might not have been murdered on a massive scale precisely because they were in an area in which large-scale killing had already ceased. Among the reasons for the creation of the death camps was the need to spare the killers from the stress of the killings, and to keep the killings secret from the German homefront. It is possible these challenges would have been insurmountable in an environment of 1941 Poland, behind the fighting lines.

⁹⁵ Friedlander, p. 286-287.

Thus the roots of the Final Solution, in its ultimate execution, did not have any grand plan. It rose out of the sterilization and eugenics programs that attempted to purify the German race from within. While this internal purge was underway against the weak elements of the German race, the Jews were being driven out of Germany by terror, and from Poland by force. Finally, the invasion of the Soviet Union targeted Jews for nothing less than execution. It also demonstrated to the Nazi leadership that they could not physically shoot every single Jew, and they turned back to their internal methods of purging for the answer, leading to the element of mass murder in their genocide of the Jews.

Forty-seven years later, genocide reappeared in Europe in Bosnia. Like the Nazis, the Serbs attempted racial restructuring, although on a much smaller scale. Like the Nazis, they used terror tactics to coerce the Bosniacs to flee. Those who remained were forcibly driven out, if not murdered outright. Many were incarcerated in concentration camps that rivaled the brutality of the Nazi concentration camps. While the Nazis introduced systematic extermination into their genocide of the Jews, the Serbs introduced another weapon of genocide, that of systematic rape. This and other methods of Serb genocide are addressed in Chapter IV.

IV. THE BALKAN WARS, 1991-1995

A. THE ORIGINS OF MODERN NATIONALISM IN THE BALKANS

Genocide is the ultimate expression of integral nationalism, and this is abundantly true in the Former Republic of Yugoslavia in the 1990s. From 1991 to 1995 Europe witnessed the worst atrocities on the continent in forty-five years. Hundreds of thousands of civilians were forced out of their homes, tens of thousands were brutalized, tortured, and raped, and thousands were murdered. All this was done in the name of “ethnic cleansing.”⁹⁶

Although all three groups involved, Serbs, Croats, and Bosnian Muslims (or Bosniacs)⁹⁷, committed atrocities and ethnic cleansing, the worst offenders by far were the Serbs, although the Croats weren’t significantly better. The Bosniacs also committed their share of atrocities but unlike the Serbs and Croats, their crimes were not committed in the name of ethnic cleansing, but were “merely” the savageries of war.

The Balkans wars brought two debates to the fore. The first was whether or not the crimes were committed because of age-old ethnic hatreds based on the belief that the South Slavs always had been killing each other and would always continue to do so. The second, and far more controversial, debate was whether or not the Bosnian Muslims were the victims of genocide, or if ethnic cleansing was less than genocide.

In answer to these two debates, this chapter answers the first with the response that the wars were not the continuation of centuries-old hatreds, but were a continuation of World War Two hatreds. The response to the second debate is that the ethnic cleansing was a genocide. This is admittedly a minority opinion today, but that doesn’t make it wrong; only uncomfortable for decision-makers.

⁹⁶ This chapter will only address the Balkans civil war of 1991-1995 which ended with the Dayton Peace Accords. The second act of this tragedy was played out in Kosovo in 1999, but will not be discussed here.

⁹⁷ “Bosniac” is synonymous with “Bosnian Muslim”.

It is necessary first to clarify some of the groups involved for those who might not be versed in modern Balkans history. The Serbs who committed the genocide of the Bosniacs are usually referred to as “Bosnian Serbs”. These are Serbs who live in Bosnia, and technically represent the group responsible. The Bosnian Serbs established the Republika Srbska within Bosnia and Herzegovina after Bosnia declared its independence, under the leadership of Radovan Karadzic. Slobodan Milosevic was the President of “rump Yugoslavia” which included only Serbia, Montenegro, Vojvodina, and Kosovo. “Serbia” itself was not legally a belligerent to the conflict, although it certainly provided illegal weapons, soldiers, and officers. The JNA was essentially a Serbian army, and participated in the fighting in Bosnia and Croatia. The ICTY has yet to prove that Milosevic was directing and controlling Karadzic, although it seems likely. Thus when we refer to “the Serbs” in reference to the 1992-1995 conflict in Bosnia, we are referring to the Serb nation, rather than the Republic of Serbia of the Former Yugoslavia. Also, although the primary victims of the genocide in Bosnia were the Bosniacs, or Bosnian Muslims, all non-Serbs in the areas claimed by the Serbs suffered similar fates. In particular, this meant the Bosnian Croats (Croats living in Bosnia). At times, however, the Serbs and Croats cooperated with each other against the Bosniacs, and later the Bosniacs and Croats joined to form the Muslim-Croat Federation, one of the two Entities in present-day Bosnia and Herzegovina. There do not appear to be any instances where the Bosniacs and Serbs cooperated against the Croats, although at times the front line forces occasionally established certain informal cease-fires and the like.

In contrast to the Nazi genocide of the Jews, the Serbian genocide against the Bosniacs was sporadic, wild, and significantly less centralized. Like the Nazis, the intent of the Serbs was not to necessarily kill every single Bosnian Muslim, but to destroy their presence, to include any legacy of them, in a particular territory. Recall that the Nazis were perfectly content to encourage voluntary emigration of the Jews. And they had not particular desire to kill every Jew, only to remove their presence from all territory under their control. The

systematic approach of the Nazis came about because of the sheer numbers they were dealing with, and therefore of the most significant differences between the Nazis and the Serbs was not qualitative, but quantitative; it's a difference of scale, not scope.

B. NATIONALISM IN THE BALKANS

One of the popular myths, now largely discredited in academic circles but still held popularly, is that the national identities and hatreds among the peoples is centuries-old. Many point to the myth of the 1389 Battle of Kosovo as a watershed of Serbian nationalism. This is a mistake to consider Kosovo of such real significance, but when one considers integral nationalism, reality may not necessarily be all that important.

In one work on nationalism, written in 1955, Boyd Shafer points out that nationalism is based upon certain beliefs and conditions, among which is a belief in a common history, which can be invented.⁹⁸ Renan put it in simpler terms: "Getting its history wrong is part of being a nation."⁹⁹ To this end, while the notion that the Battle of Kosovo was a turning-point in Serb nationalism is false, the idea that in 1989 Milosevic made the myth of the Battle of Kosovo into a symbol of Serb nationalism is more correct.

Certainly, one cannot accurately state that the people of the Balkans killed each other in the 1990s because they've always been killing each other. But at the same time, one cannot deny that the 1912-1913 Balkans Wars involved exactly the same genocidal actions as those that ended the century.

The reader who has...followed...the chain of...events studied and described by the Commission, has doubtless discovered the common feature which unites the Balkans nations, though it is necessary to discover that war is waged not only by the armies but by the nations themselves. The local population is divided into as

⁹⁸ Boyd Shafer, *Nationalism: Myth and Reality* (New York: Harcourt, Brace, and World, Inc., 1955), p. 6.

⁹⁹ Beverly Allen, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia* (Minneapolis: University of Minneapolis Press, 1996) p. 41.

many fragmentary parts as it contains nationalities, and these fight each together, each being desirous to substitute itself for other. This is why these wars are so sanguinary, why they produce so great a loss in men, and end in the annihilation of the population and the ruins of whole regions...The populations mutually slaughtered and pursued with a ferocity heightened by mutual knowledge and the old hatreds and resentments they cherished.

The first consequence of this fact is, that the object of these armed conflicts, overt or covert, clearly conceived or vaguely felt, but always and everywhere the same, was the complete extermination of an alien population. In some cases this object expressed itself in the form of an implacable and categorical "order" – to kill the whole male population of the occupied regions.¹⁰⁰

Like the other countries of Central and Eastern Europe in the interwar years, Yugoslavia had a similar origin of being formed from the ashes of the Austro-Hungarian Empire through the Kulturnation of a people forming a state. And like these other countries, as discussed in Chapter II, a person either was or was not a member of the nation, and this fact could not change. Thus a person was a Serb, a Croat, or a Bosniac, without regard for where he lived.¹⁰¹

Much like the pre-WWII Germans (and most others in Central and Eastern Europe), the Serb political and intellectual leadership at the end of the nineteenth and early twentieth century desired state borders that directly matched national boundaries, in the form of a Greater Serbia. The borders they desired would be dictated racially; wherever Serbs lived, so the borders of Serbia must fall. This Serbian nationalism contributed, of course, to the spark that ignited the First

100, The International Commission to Inquire into the Causes and Conduct of the Balkan Wars, *The Other Balkan Wars* (Washington, D.C.: The Carnegie Endowment for International Peace, 1993) p. 148. This is a republication of the Carnegie Endowment's original 1913 *Report of the International Commission To Inquire into the Causes and Conduct of the Balkan Wars*, with a new forward by George F. Kennan concerning the 1990's Balkans Wars.

101 Similar to the Nazis classification of Jews as a race even though Judaism is a religion, the ethnic identities of the three peoples of Yugoslavia are religious in origin. Croats are Catholics, Serbs are Orthodox, and Bosniacs are Muslims. These identities go back centuries, and are a reflection of the Balkans' location as the crossroads of the three major religions. Racially, all three people are identically Slavic, which is not so in the case of the Albanians, who have a different ethnic origin.

World War, the assassination of Archduke Franz Ferdinand.¹⁰² Even before this, however, Serbs recognized they would have to deal with minorities, as Naimark explains: "...in expanding its borders and including Serbs in a single state, Serbia would inevitably have to confront the presence of Croats and Muslims in Bosnia. The latter were slated in most Serb (and Croat) national programs for forced assimilation."¹⁰³

With the onset of World War Two, the issue of nations and nationalism reached genocidal levels in the Balkans. Strangely, the worst persecutions were committed by the Croat Ustasha, the ultra-nationalist movement that was given control of the newly-independent Croatia.¹⁰⁴ The Croatian constitution "defined Croatians as a distinct race," as within a short time the Ustasha military units began its campaign of genocide against the Serbs. Possibly as many as 250,000 Serbs were murdered by the Ustashi in mass executions, and countless thousands more were expelled from Croatia or forcibly converted to Catholicism. While the Ustashi were waging their genocidal war against the Serbs within Croatia, the nationalist Serb Chetniks were retaliating against Croats, and Muslims, outside. At the same time Tito's Communist Partisans were engaged in fighting the Chetniks, the Ustashi, and the Nazis, which even included Muslim Waffen SS units recruited from Bosnia. The overall chaos of Yugoslavia is best described as "three distinct civil wars and one international conflict, waged both consecutively and simultaneously..."¹⁰⁵

¹⁰² Do not confuse this "spark" with the causes for WWI; Serbian nationalism was one local issue but can hardly be said to have caused the war. For example, see James Joll, *The Origins of the First World War*, Second Edition (Harlow, England: Pearson Education, LTD) 1992.

¹⁰³ Naimark, p. 144.

¹⁰⁴ The Ustasha movement (plural "Ustashi") first formed in 1929 under Ante Pavelic in response to King Alexander's military dictatorship of Yugoslavia. The goal of the Ustashi was an independent Croatia based on a "Catholic identity". The Ustashi advanced a racial theory of being western Goths, rather than eastern Slavs like the Serbs, although it was accepted that both Serbs and Muslims could convert to Catholicism and become Croats. After the invasion of Yugoslavia in 1941, Hitler broke up the country and placed Pavelic, who was in exile in Italy at the time, in charge of a separate Croatia. Serbia, however, occupied by the Germans instead. Payne, p. 404-407.

¹⁰⁵ Payne, p. 407-410.

Unlike the Nazi racial definitions that specified Jewishness, one aspect worth noting about the Ustashi is that one could convert to Catholicism and thus no longer be persecuted. The Nazis, on the other hand, had specific racial guidelines that were not surmountable by religious conversion, even though Judaism itself is a religion. This same idea of conversion is equally present in the national programs of the Serbs.

While the myth exists that the 1990s conflicts in Yugoslavia had their origins in centuries-old hatreds, the more truthful is that “[t]he bloody struggles that have attended the breakup of Yugoslavia since 1991 had the origins partly in the many-sided conflicts during World War II.”¹⁰⁶

C. GENOCIDE IN THE BALKANS

The first actions of the Yugoslav War were, by the standards of the following year, extraordinarily peaceful and mundane. When the Slovenes declared their independence on 25 June 1991, the Yugoslav Peoples’ Army (the JNA¹⁰⁷) immediately moved to “control the international border”. After a brief ten-day fight with few casualties¹⁰⁸ and apparently no atrocities committed, the JNA quit Slovenia. The reasons for this relatively bloodless conflict were that few Serbs actually lived in Slovenia, and the two republics did not share a common border.¹⁰⁹ Also, in January 1991 Milosevic met with Slovene President Milan Kucan, during which a tacit understanding was reached that would allow Slovenia to secede so long as it “did not oppose Serbia’s plans for the rest of the country.”¹¹⁰

¹⁰⁶ Payne, p. 409.

¹⁰⁷ The JNA had become Serb-dominated by this point, as more and more non-Serbs streamed away in the months preceding the declarations of independence. The Yugoslav government was apparently content to let them go. Tim Judah, *The Serbs: History, Myth, and Destruction of Yugoslavia*, Second Edition (New Haven: Yale University Press, 2000) p. 179.

¹⁰⁸ Forty-one JNA soldiers plus a “handful” of Slovenes. Judah, p. 178.

¹⁰⁹ Naimark, p. 156.

¹¹⁰ Judah, p. 173.

The situation was different with Croatia, however, which also declared its independence on 25 June 1991. Here the violence and atrocities that came to personify the war in Bosnia the following year had their immediate origins. The first ethnic cleansing operation took place at the village of Kijevo, in the Krajina area of Croatia. The Serb paramilitary forces expelled the Croat inhabitants by force and destroyed the village.¹¹¹ The purpose of this operation, like so many others to follow, was to drive out the non-Serbs from those areas of Croatia, and later Bosnia, that had large Serb populations, thus “cleansing” the population of all non-Serb elements. The purpose of this operation, like so many others to follow, was to drive out the non-Serbs from those areas of Croatia, and later Bosnia, that had large Serb populations, thus “cleansing” the population of all non-Serb elements. In a similar aspect of the Serbian cleansing campaign, the Serbs would drive out non-Serbs from the Serb-dominated areas, but unlike at Kijevo they would seize their homes and property but not destroy it. The purpose was to preserve the homes for Serb refugees returning from Croat-dominated regions.¹¹²

With the onset of the genocide against the Croats in Kijevo, the next inevitable step in the development of general genocide was murder. This step occurred in Vukovar. On 19 November 1991, after a three-month siege that may have cost “thousands of lives,”¹¹³ JNA and Serb paramilitary forces entered a hospital in Vukovar. Most of the patients were transferred to a warehouse, where they were robbed and beaten. The next day the women and children were separated from the men and transported out. The men were then tortured and

111 Naimark, p. 156.

112 Generally, the Serbs and Croats forced other peoples out of their territories. For the most part the Bosniacs did not. Serbs and Croat did flee from Bosnian territories, but not under the same circumstances. The difference here is that Serbs and Croats drove others away as a matter of policy; the Bosniacs did not. That being said, all parties committed the same specific acts of murder, torture, rape, etc. in the course of the war, but the Bosniacs did not use these as tactical weapons against the local populace.

113 Allen, p. 55.

beaten again. Finally, two hundred of the men were taken out to a farm, executed, and buried in a mass grave. This was the first mass murder of the wars.¹¹⁴

It is important to note that the victims of the Vukovar murder were Croats, rather than Serbs. This pattern of torturing, expelling, and killing which first began in Croatia would reach horrendous levels in Bosnia. In addition, in Bosnia the Serbs introduced the large-scale resurrection of concentration camps, and the institutionalization of rape as a weapon against the local population, rather than as an individual crime during war.

The Serbs used rape to an unprecedented degree as a weapon of war. Rather than being an individual act committed against the victim as an individual, the Serbs used rape as an additional act of genocide against both the Bosnians and the Croats, although as with everything else, the Bosnians got the worst of it. Two important aspects make the Serb rape practices genocidal. First, the victims were victimized because of their membership in their particular ethnic collectivity. Second, the rapes were committed with the aim of destroying the collectivity. It is important, although not critical, to bear in mind that throughout the history of warfare (and peacetime) rapes have occurred in some form in pretty much every war, probably by every armed force.¹¹⁵

Two official reports provide documentation of the Serb practices of genocidal rape. The first is the 1993 "Situation of Human Rights in the Territory of the Former Yugoslavia", known as the Mazowiecki Report for its author and was prepared for the UN General Assembly by the Rapporteur of the UN Commission on Human Rights. The second, known as the Commission of Experts Report, was prepared for UN Secretary-General in 1994. Both reports

¹¹⁴ Naimark, p. 157.

¹¹⁵ The US armed forces sadly has its own share in both peace and war, although in most cases the recent years among US service members the victim is usually a female service member.

agree that “the largest number of reported victims have been Bosnian Muslims, and the largest number of perpetrators have been Bosnian Serbs.”¹¹⁶

This phenomenon of rape to destroy the collectivity, what Beverly Allen calls (correctly, I believe) genocidal rape, had several different aspects. First of all, the rapes followed one of three particular patterns. In the first pattern, Serb paramilitaries would enter a village and rape several women in the presence of others, both relatives and neighbors, and then leave. Several days later, the Bosnian Serb forces or regular JNA units would arrive with the offer to grant permission for anyone to leave who wanted to. Most accepted.¹¹⁷ The second common pattern was rape within the concentration camps. The third was rape within brothels of sorts established throughout Serb-controlled Bosnia. There was little difference between the camps and brothels.¹¹⁸

Another aspect of the genocidal rape was the attitude of many of the Serb perpetrators of using the victims to create “little Chetniks.” Impregnated women were often incarcerated until the possibility of an abortion was too late. The idea was that the baby would be a Serb, thus contributing to the overall destruction of the Bosnian Muslim national identity.¹¹⁹

Allen correctly assesses the absurdity of this notion: The genetic material would be half of the mother’s, rather than all of the father’s anyway. And unless the mother was murdered, she usually was the one who kept the child, and contributed to its cultural development, which would most assuredly not be a Serb heritage. Additionally, many women abandoned their children in the refugee hospitals, where the children entered into some form of social welfare system. This hardly contributed to an upbringing as a Serb. Thus it is highly

¹¹⁶ Allen, p. 47, quoting the UN Commission of Experts Report. The Mazowiecki Report states in Article 59 of the Conclusions that “the majority of the rapes that they have documented have been committed by Serb forces against Muslim women from Bosnia and Herzegovina.” Allen, p. 75.

¹¹⁷ Allen, p. 62-63, and p. 73-74.

¹¹⁸ Naimark, p. 168.

¹¹⁹ Allen, p. 87-101.

doubtful that very many of these “little Chetniks” were actually born or raised in the Republika Srbska or Serbia, nor were they raised as Serbs. However, this logic doesn’t change the fact that the Serb perpetrators did, in fact, very often believe their own rhetoric. This attitude makes the perpetrator view the victim as nothing more than a “container”, an attitude that many of the severely traumatized victims themselves may have gained. Everywhere the rapes were accompanied by the most inhumane tortures and atrocities.

By and large the purpose of the rape regime in Bosnia was to drive the Bosnian Muslims out of the Serb-dominated areas, as part of the overall ethnic cleansing. “The idea was to instill terror in the local Muslim population and to get them to run for their lives.”¹²⁰ That being said, the Serbs, like the Nazis, still made the price of leaving very high. In one example, in the city of Banja Luka, Bosnian Muslims who wanted to leave after the Serbs took control of the city

had to visit numerous municipal offices and pay fees at each one during certain periods. The fees and regulations changed all the time...It was necessary to go to numerous municipal offices for telephones, electricity, to the bank to certify that you didn’t owe them anything each time you went and obtain a receipt so that you would be permitted to be ethnically cleansed.¹²¹

After being driven out, the refugees were still far from safe. By the time a Muslim refugee group finally reached a safe refugee center, it would have been robbed several times, and be completely destitute. This was not, however, a coordinated, directed action by the Serb leadership. It was purely brigandage. Frequently the buses would be stopped and the men would be taken off. Sometimes they were taken to a nearby prison camp, or sent to a labor battalion. Sometimes they were just executed outright.¹²²

Unlike the Nazis, the Serbs did not have an “expulsion policy”, *per se*. They had a general plan that provided guidelines to the subordinate units;

¹²⁰ Naimark, p. 159.

¹²¹ Naimark, p. 166 quoting Diana Paul, a human rights worker in Banja Luka.

¹²² Naimark, p. 163.

namely to drive off non-Serb populations in order to create homogeneous Serb regions. This was done with a variety of methods. One method was to instill terror into the local population through rapes, torture, and murder. In this way, the rest of the population would be less willing to resist. Another method was to simply drive everyone out by force, and kill anyone who resisted.

In conjunction with the goal of driving out the Muslims was the apparent phenomenon of punishing the Bosnian Muslims for their very existence, in a sense to punish them for having to make the Serbs drive them out. This bizarre punishment for its own sake was accomplished largely through the concentration camps established throughout Serb-controlled territories of Bosnia. These facilities were the scenes of some of the most horrid inhumanities of the entire conflict. There is no need to go into an unending litany of the atrocities committed in such places as Keraterm and Omarska. Suffice to say that the prisoners were subjected to all forms of senseless abuse, beatings, random killings, tortures, and rapes (males as well as females, of all ages). Frequently detainees were allowed to leave after being forced to commit savage atrocities themselves, such as killing or even raping their own relatives. The accounts of survivors are a sickening recollection of pure evil sadism. The one mystery of the camps is whether or not the Bosnian Serb leadership knew what was going on there. Confirmation of the existence of concentration camps came in August 1992 when Roy Gutman was granted permission by Karadzic to visit Omarska. The theory is that if Karadzic knew what was going on, he never would have permitted a journalist to have access.¹²³

Beyond driving out the Bosnian Muslims, the Serbs also took steps to ensure that any reminder of them was destroyed to ensure they never returned. This was accomplished partly through the deliberate destruction of cultural monuments and religious locations. In Banja Luka, the Serbs destroyed 200 mosques out of 202 in 1993. Even non-Serb cemeteries were “routinely

¹²³ Judah, p. 225-241 and Naimark, p. 160-167.

destroyed, in order to erase any memory of the non-Serbian peoples and their culture.”¹²⁴ These destructions were not random, according to Philip J. Cohen, but were “carried out through a deliberate pattern of destruction of … institutions that define the collective identity of the targeted community.”¹²⁵

Besides the rapes and the forced expulsions, the genocide in Bosnia was accompanied by significant numbers of mass murders, although nowhere near the scale of the genocide of the Nazis. There is a debate about just how many people were murdered during the Bosnian genocide, with numbers ranging from as high as 200,000 to perhaps some 25,000. The number of 200,000 had no basis in fact but was nonetheless accepted for several years as being accurate. In fact, this figure apparently came from a speech by the Bosnian Deputy Minister of Information, Senada Kreso, on 28 June 1993, but was unconfirmed. Another figure floated around by the Bosnian government was 128,444 in December 1992. The Bosnian Foreign Minister may have derived this number from the 17,466 confirmed dead with the estimated 111,000 missing, which probably included large numbers of unaccounted refugees. The International Red Cross estimated casualties may be as high as 35,000 on all sides.¹²⁶

These numbers come from an article by former deputy head of Yugoslav Affairs at the State Department, George Kenney. His article, written in April 1995, predates the worst massacre in forty-five years in Europe. In July 1995, Bosnian Serb forces under Mladic murdered in excess of thousands Bosnian

¹²⁴ Philip J. Cohen, “The Complicity of Serbian intellectuals” in Thomas Cushman and Stejpan G. Mestrovic, *This Time We Knew: Western Responses to Genocide in Bosnia* (New York: New York University Press, 1996) p. 47.

¹²⁵ Ibid.

¹²⁶ George Kenney, “The Bosnian Calculation: How Many Have Died? Not Nearly as Many as Some Would Have You Think”, *The New York Times Magazine* (New York, April 13, 1995) p. 42-43. Kenney wrote this article partly in response to an earlier article of his in 1992, in which he urged the West to intervene in Bosnia to stop the Serbs. He wrote in this earlier piece that “in territory which Serbian covet outside of Sarajevo there may yet be more than half a million non-Serb Bosnians; the Serbian will not rest until these people are killed or removed.” From “Time to Start Up the Tanks”, *The Guardian* (London, September 4, 1992) p. 19. His New York Magazine article end with the following “As long as the world tosses around words like “genocide” so loosely, the present tragedy will revolve endlessly. Counts count.”

Muslim men from the UN safe area. Exact figures are unavailable, but most sources agree with six to eight thousand victims.¹²⁷

Although Srebrenica represented the single largest mass murders, hundreds of others, perhaps thousands, were victims of much smaller-scale summary executions. Very often men of military age (loosely defined as 16 to 65, but the Serbs didn't seem to trouble themselves too much with the particulars anyway) were taken off refugee buses and shot on the spot. Just as often they were shot when the Serbs first entered a Bosniac town. The purposes of these killings were the same as all the other atrocities committed: induce the Muslims to leave as rapidly as possible, and never come back. Of course, much of the atrocities were pure lawlessness by the many bands of paramilitaries and gangs that also loosely fell under the Bosnian Serb Army. Nonetheless, the Serbian leadership was accountable for the acts committed in their name. The UN Commission of experts Report states:

There is sufficient evidence to conclude that the practices of ``ethnic cleansing'' were not coincidental, sporadic or carried out by disorganized groups or bands of civilians who could not be controlled by the Bosnian-Serb leadership. Indeed, the patterns of conduct, the manner in which these acts were carried out, the length of time over which they took place and the areas in which they occurred combine to reveal a purpose, systematicity and some planning and coordination from higher authorities. Furthermore, these practices are carried out by persons from all segments of the Serbian population in the areas described: members of the army, militias, special forces, the police and civilians. Lastly, the Commission notes that these unlawful acts are often heralded by the perpetrators as positive, patriotic accomplishments.¹²⁸

¹²⁷ Ivo H. Daalder, *Getting to Dayton* (Washington, D.C.: Brookings Institute Press, 2000) p. 67-68 cites 8,000 victims. Naimark, p. 164-165 cites 6,000-8,000. Other sources provide comparable figures.

¹²⁸ United Nations Security Council, "Final Report of the Commission of Experts" (New York, the United Nations, 27 May 1994), Part III: General Studies, Section B: "Ethnic Cleansing" www.his.com/~twarrick/commxyu4.htm. February, 2005

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V. CONCLUSION

This work has looked at parts of both the genocide of the Jews in the World War II Holocaust, and the genocide of the Bosnian Muslims in Bosnia in the 1990s Balkans conflict. After considering these two atrocities, several common themes become apparent. Before entering into a discussion of them, however, a few points must be clear.

First, these are not meant to be thought of as “variables” in a political science sense. In no way does this work suggest that certain elements must be present in order for genocide to result. Genocides take many different forms. Rwanda, for example, is far different from the Balkans even though both occurred at approximately the same time. This work has been an historical look at two separate events, and is in no way meant to be all-inclusive. Nor should the reader even take it as a model for all twentieth-century European genocides. Norman Naimark does an admirable job of presenting historical overviews of these cases in *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe*, and has been a significant source for this work.

Precisely because Naimark’s work is one of the most all-inclusive on the topic, there is one critical aspect of his that must, of academic and historical necessity, be challenged; that of the notion that genocides and ethnic cleansings are not the same. This will be discussed later, but for now we will consider the common themes mentioned earlier. These are the stepping-stones to begin to answer the question “How does nationalism become genocidal?”

A. THE ORIGINS OF GENOCIDE

In both cases of genocide, the genocide had its origins in long-standing nationalist tensions. Both the anti-Semitism of the Germans and the anti-Muslim sentiments of the Serbs go back to the Kulturkampf of the late nineteenth and early twentieth centuries, although it must be qualified in the case of Yugoslavia. There, the nation that desired a state was the Serb nation, with a desire for a

greater Serbia, that pre-dates the twentieth century. The Serb nationalism had little real desire for a multiethnic national identity, unless it was in a state dominated by Serbs. When the first Yugoslavia was created in the aftermath of World War I, “the Serbs saw the state’s creation as a final reward for their long history of battle and sacrifice on behalf of the South Slavs, and they assumed Serbs would govern and rule it...”¹²⁹

Neither the Nazis nor the Serbs necessarily represented pre-existing popular sentiment. The nationalist extremism that they espoused certainly had its roots in the nations’ histories, but the leaders hijacked it for their own purposes. In relating Milosevic’s visit to Kosovo Polje in 1987, Naimark writes that when the crowd started chanted his name in response to a statement of his “Milosevic understood immediately the intoxicating power of nationalist rhetoric.”¹³⁰ The nationalist leaders used this extreme sentiment to their own purposes, as a tool to consolidate political power and support.

To this end, we can make the statement that one aspect of the genocides in the Holocaust and Serbia comes from the individual “cult of personality” of both Hitler and Milosevic. While it would be irresponsible to say that without them neither of the wars would have occurred, it would be safe to say they certainly contributed immensely to working the public sentiment into the necessary frenzy that directed led to genocide.

While a significant amount of the blame rests on the individual leaders, and an equal amount on their immediate lieutenants, some blame must also rest on the people of the aggressor nation. In both cases, the atrocities committed were so widespread that they involved vast numbers of soldiers, civilians,

¹²⁹ Naimark, p. 145.

¹³⁰ Naimark, p. 151. This was two years before his famous Battle of Kosovo anniversary rally. Kosovo Serbs had been alleging for years they were victimized and discriminated against by the majority Kosovar Albanians. On his visit, Milosevic stated that “no one should dare to beat you.” Judah, p. 162.

paramilitaries, and bureaucrats. Occasionally the clergy was involved to a certain extent through complicity. Therefore, to some degree all parts of society had some part.

Many of the active participants claim they were forced to take part. The myth certain exists today that if one did not follow orders, one would quickly find oneself facing the firing squad, or marching into the gas chambers. At least in the case of the Nazi genocide, we now know this to be completely false. The Nazis did not kill those who refused to participate. Friedlander writes that the physicians who participated were all recruited, and they “agreed to serve as experts; only two institutional directors quietly left the meeting and thereafter declined to cooperate.”¹³¹ Regarding the firing squad executioners of the east, Christopher Browning writes that “a few committed, full-time killers and a sufficient supply of short-term executioners were enough to get the job done and even allowed a small minority to consistently abstain without facing serious repercussions.”¹³² Similarly, in his landmark work of the role of “ordinary” Germans and their participation in the Holocaust, Goldhagen writes in Hitler’s Willing Executioners that “never in the history of the Holocaust was a German, SS man or otherwise, killed, sent to a concentration camp, jailed, or punished in any serious way for refusing to kill Jews.”¹³³ The Nazis were willing to tolerate non-participation, so long as it did not actually interfere or threaten the programs or their exposure. Those who did speak out against the murders, or who were caught helping Jews, did face punishment, usually in the form of incarceration at a concentration camp rather than being sent east to the death camps.

The same cannot necessarily be said of Bosnian Serbs who chose not to participate. Since many of the aggressors were raised from local militias, they were frequently known to their victims. Often during interviews by investigators,

¹³¹ Friedlander, p. 78.

¹³² Browning, p. 298.

¹³³ Daniel Jonah Goldhagen, *Hitler’s Willing Executioners* (New York: Alfred A. Knopf, 1996), p. 379.

the victims (mostly women victims of rapes) relate that their aggressors stated they were being forced to conduct the rapes and tortures. While we do not know with any certainty, the Summaries and Conclusions to the Annexes of the UN Commission of Experts Report states that in the Bosnian Serb camps “there were also reports of Serbs who were detained in Serb-controlled facilities. In those cases, the prisoners had usually refused to participate in the conquest of a region or in the activities of “ethnic cleansing”. Those imprisoned Serbs were treated as poorly as the other prisoners.”¹³⁴ However, although many may have felt coerced into the acts they committed, when we consider the vigor and enthusiasm with which these same individuals committed their atrocities, we have to wonder. It is this willing and eager participation of both the rank and file Bosnian Serbs and Germans that indicate that, beyond themselves as individuals, themselves as members of their collective nation bear a substantial part of the blame for the nationalism becoming genocidal. While the leaders used the rhetoric of national extremism for their own power plays, the “masses” bought into it in one form or another. Part of this must take into account the circumstances of the time for the country.

Germany in the 1920s was in a low state when the Nazi party began to gain support. As Peter Fritzsche discusses in *Germans into Nazis*, the origins of National Socialism are found in the days preceding the First World War, rather than in the defeat and humiliation of Versailles. However, Versailles can be thought of as the enabler that helped to bring the Nazis to power. There is certainly some element of truth to the notion that Versailles was an unjust peace for the Germans. A few short years later the Germans suffered an additional humiliation when the French occupied the Ruhr, followed immediately by hyperinflation. The experiment of democracy under the Weimar Republic was failing to provide basic security and economic stability. A civil war was raging

¹³⁴ United Nations Security Council, Annex Summaries and Conclusions to the Final Report of the Commission of Experts (New York: The United Nations, 28 December 1993), Annex VIII: Prison Camps, Section IIC1: Bosnian Serb Controlled Camps. www.essuwe.ac.uk/comexpert/ANX/Summary.htm.

between various factions like the Nazis, the Freikorps, the Socialists, and the Communists. By the early 1930s Germany, along with the rest of the world, was living under the Great Depression. Against these conditions Hitler came to power, and his rhetoric appealed to the dissatisfaction of many conservative elements. As Browning mentions, compared with these other hardships, Hitler's anti-Semitism in the early years just wasn't that much of an issue for most. By 1939, after years of nationalist rhetoric in which the Jews were only one targeted element, the people were willing to accept war to protect the Volk. The generation prior had become desensitized to large-scale killing on the battlefields of World War I, and the new war put the next generation into a frame of mind to participate in the mass killings in Poland and then in the Soviet Union. By late 1941, the German losses had grown substantially to rival those of the previous war, and the public probably just didn't care anymore what happened to the Jews of the Reich compared to the deaths of German soldiers in the east. Basically, once the killing started, it became easier to expand it to new elements of the society, and the genocide of the Jews became substance.

Similarly, although hardly equally, Yugoslavia in the 1980s and 1990 was in turmoil. As has been discussed, most scholars agree that the 1990s ethnic conflicts had their origins in the ethnic hatreds of World War II. Following the war, Tito's regime put a stop to the ethnic violence, but exactly how this affected the nations is debated. Two theories exist to describe Tito's affect on nationalism within Yugoslavia. One theory, the "freezer model", says that Tito's regime kept the rampant nationalism of World War II in check by forcing Croats, Serbs, Slovenes, and Muslims to work together. Following Tito's demise, nationalism picked up right where it left off in 1945. The other theory is the "incubator model." In this model Tito's practice of balancing nationalist sentiments by taking from one and giving to another, always changing with time and circumstance, eventually angered all and worsened nationalist hatred.¹³⁵ One element that is

¹³⁵ Naimark, p. 146.

present in both theories is pre-existing nationalist hatreds. They may not be ancient hatreds, but nonetheless there are hatreds that predate Milosevic, Tudjman, and Karadzic.

Tito's 1974 constitution only helped make the tensions worse. It provided for a weak central government with strong republic governments, and it granted autonomy to Kosovo and Vojvodina from Serbia, a move that only angered the Serbs. With Tito's death, the strengthened republics began to advance their own nationalist, and separatist, agendas. Both Serbia and Croatia, the two strongest republics, began to manipulate the federal government for their own nationalist agendas. The situation was worsened by the economic crisis Yugoslavia faced in the 1980s. There was high inflation and high unemployment rates. These conditions fueled the desires of Croatia and Slovenia, the two wealthier republics, to break loose from the "sinking ship of Yugoslavia", and from blatant Serb domination of the federal government in particular.¹³⁶

We can therefore see some similarities in the environments that helped to make nationalism turn genocidal in both conflicts. However, unlike the Germans in 1941, the Serbs, Croats, and Bosnian Muslims in 1991 did not live in an environment in which large-scale death had desensitized them. However, they did live in an environment in which there was a recent history of mass ethnic violence. Thus while virtually none of the participants of the 1990s had been around during the last round of mass death in the Balkans, it had been a fact of life for their parents and families, which may have been an adequate enough substitute to allow a ready acceptance of and desensitization to extreme violence and atrocities.

B. THE ACTS OF GENOCIDE

The previous two chapters have largely addressed some of the aspects of the acts of genocide committed during the wars. What becomes readily apparent

¹³⁶ Naimark, p. 147 and p. 155.

is that there is a wide range of actions that lead up to, and constitute, genocide short of total physical annihilation. In both cases, the genocides did not necessarily begin as planned campaigns to kill every member of the victim group.

In the case of the Nazis, the genocide campaign began by acts aimed at protecting the racial purity of the Germans. For this reason the first victims were the handicapped adults. At the same time, the foreign elements (the Jews) were being induced to leave voluntarily through actions and laws designed to make their lives in Germany unbearable. Once the war started the weak Germans (the handicapped infants, children, and adults) were purged through murder while the foreign elements were purged through relocations, expulsions, ghettoization and murder in the newly conquered territories. Only when the number of Jews became too much to even consider expelling did the leadership search for a method of mass extermination. Firing squads proved, through the experiences of the Soviet front, to be unsuitable for a number of practical reasons, and the architects of the extermination looked to the “medical” procedures of the first victims as a model.

In the Balkans, the first acts were neither as suitable nor as gradual. Nor were they as centrally controlled. The Serbs began used a combination of methods to remove the foreign elements from their conquered territories. In many cases they created conditions intended to make the foreign elements willingly leave and never return, through acts of terror. In other cases the Serbs simply drove them out by force, and in still other cases they incarcerated everyone in camps as a prelude to forced deportation. All stages of the Serb campaign included mass murders, but the campaign never reached the stages of complete physical annihilation like the Nazi extermination camps.

The reason this never occurred in Bosnia has nothing to do with a supposed difference between “genocide” and “ethnic cleansing”. The reason is, simply, that the Serb campaign of genocide was successful without needing to resort to mass extermination. Once the Serbs controlled the areas they wanted, the fighting front stabilized. Because of the much smaller numbers involved, and

the much smaller geographical area involved, it actual was practical and possible to drive the Bosnians Muslims and Croats out, and then destroy any remaining elements of their culture and heritage.¹³⁷ Bear in mind that the Nazis transitioned to the Final Solution because they couldn't get rid of all the Jews otherwise.

C. GENOCIDE AND INTERNATIONAL LAW

Chapter II discussed the international agreement and treaties that governed genocide and laws of war that prohibit acts that are genocidal even when not called such. It also addressed the academic work of Raphael Lemkin in describing genocide, and the some discussion about whether “ethnic cleansing” and “genocide” are different.

This work has supported the argument that these two crimes are not different. Ethnic cleansing is one form of genocide, as mass extermination is another. Ethnic cleansing seeks to destroy a nation every bit as much as mass extermination does. When the purpose is to remove an entire people from their lands and homes, to drive them off by force, terror, and violence, then it is genocide, plain and simple. Therefore, the Serbs unequivocally committed genocide against the Bosnian Muslims in Bosnia and Hercegovina in the 1990s.

To put a more practical bent on the argument, the International Criminal Tribunal for the Former Yugoslavia (ICTY) has indicted seventeen people on the charge of Genocide, all Serbs. To date, three have been acquitted and one more has been acquitted but convicted of Aiding and Abetting the Complicity to Commit Genocide. Four others plead guilty to lesser charges of Crimes Against Humanity and Violations of the Laws of War, and so the charges of Genocide were dismissed. One case was dropped after the defendant died of natural causes. Four suspects still remain at large, including Karadzic and Mladic. Three trials are currently ongoing at the time of this writing, including the trial of

¹³⁷ See Naimark, p. 166 for a discussion of some of the numbers involved.

Slobodan Milosevic.¹³⁸ Only one defendant has been convicted of Genocide, Radislav Krstic, the commander of the Drina Corps and one of the men responsible for the Srebrenica massacre. However, the commandants of both Omarska (Zeljko Meakic) and Keratim (Dusko Sikirica) Concentration Camps were charged with Genocide. Both men plead guilty to lesser charges, however.

At this time, we have yet to know all the facts of the Balkans conflicts. Two of the most wanted war criminals remain at large, and one other is still in trial. While we have a fairly clear idea of the facts of the conflict, such as who did what to whom, we do not yet have a full understanding the reasons behind those facts. Volumes of information have been collected over the past several years from on-site investigations and interviews with thousands of survivors. But solid academic work on the Balkans may be decades away yet. Some of the best works on the genocide of the Second World War are only a few years old.

Nevertheless, we cannot afford to turn a blind eye to the genocide in Bosnia as a useful tool in future conflict management simply because we are waiting for somebody to write the definitive history. We must accept that wars will continue to happen, and that the potential for ethnic violence and genocide is always present, even in the most advanced countries. It is purely coincidental, but an interesting point anyway, that the Olympics occurred in both Berlin and Sarajevo a few short years prior to the outbreak of conflict in both places. In the future, the international community must be ever-vigilant for signs that a conflict may turn genocidal, because it could happen again.

¹³⁸ Milosevic is under three indictments, one each for Kosovo, Croatia, and Bosnia. He is only charged with Genocide in the Bosnian indictment.

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